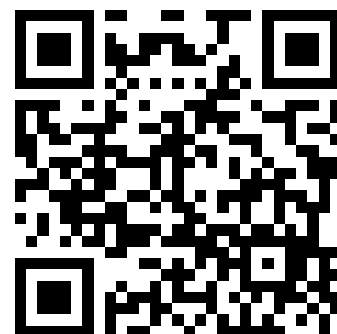

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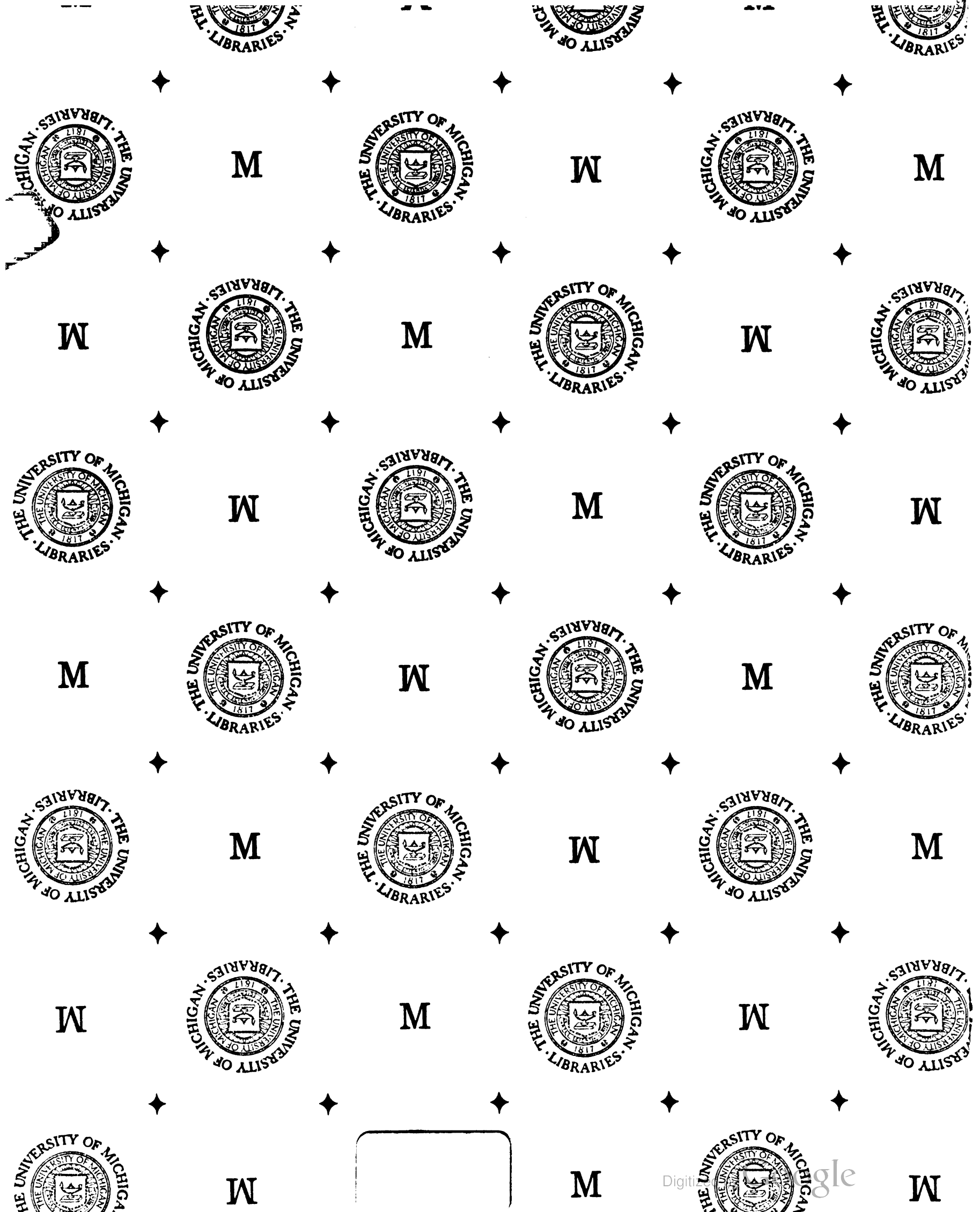
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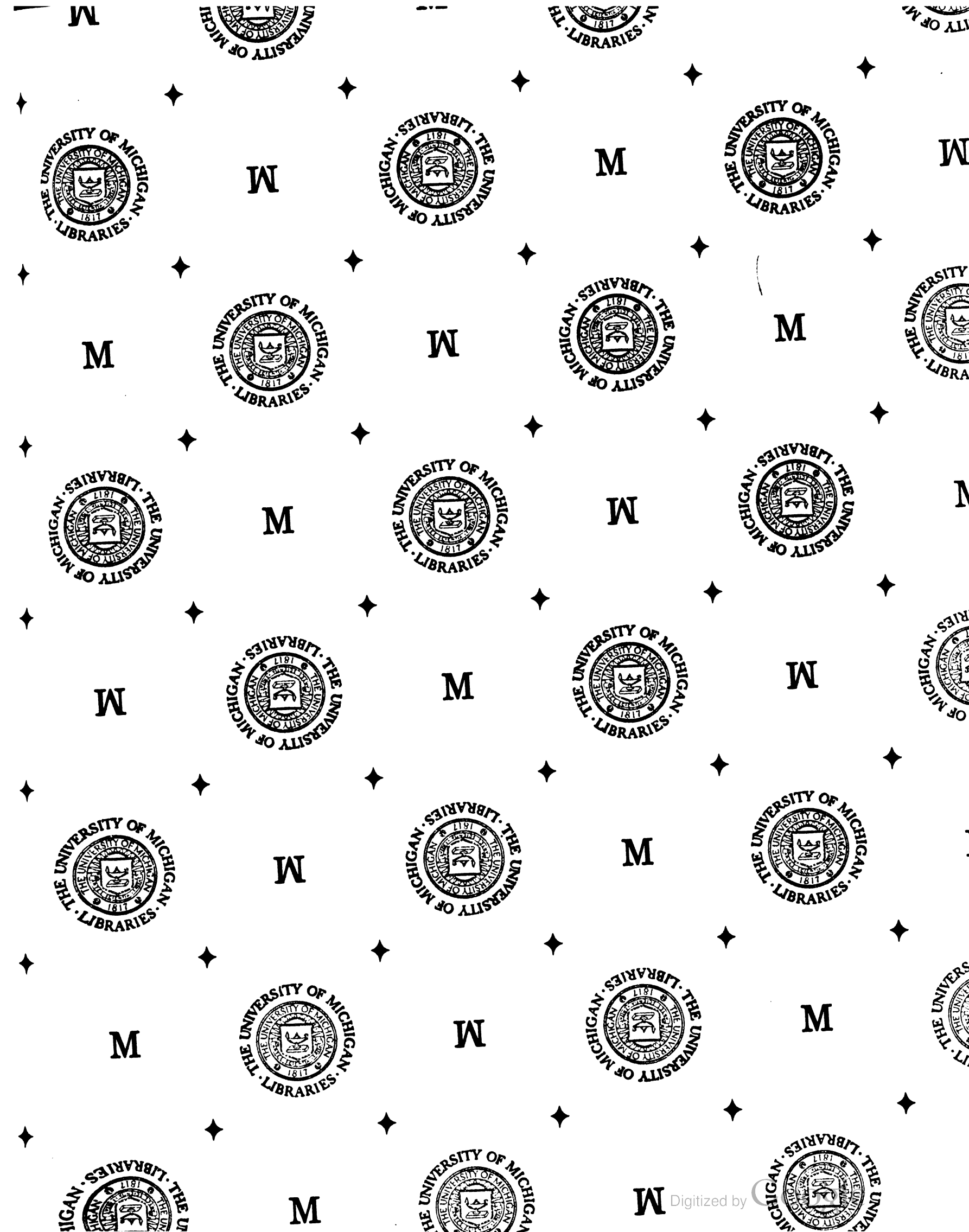
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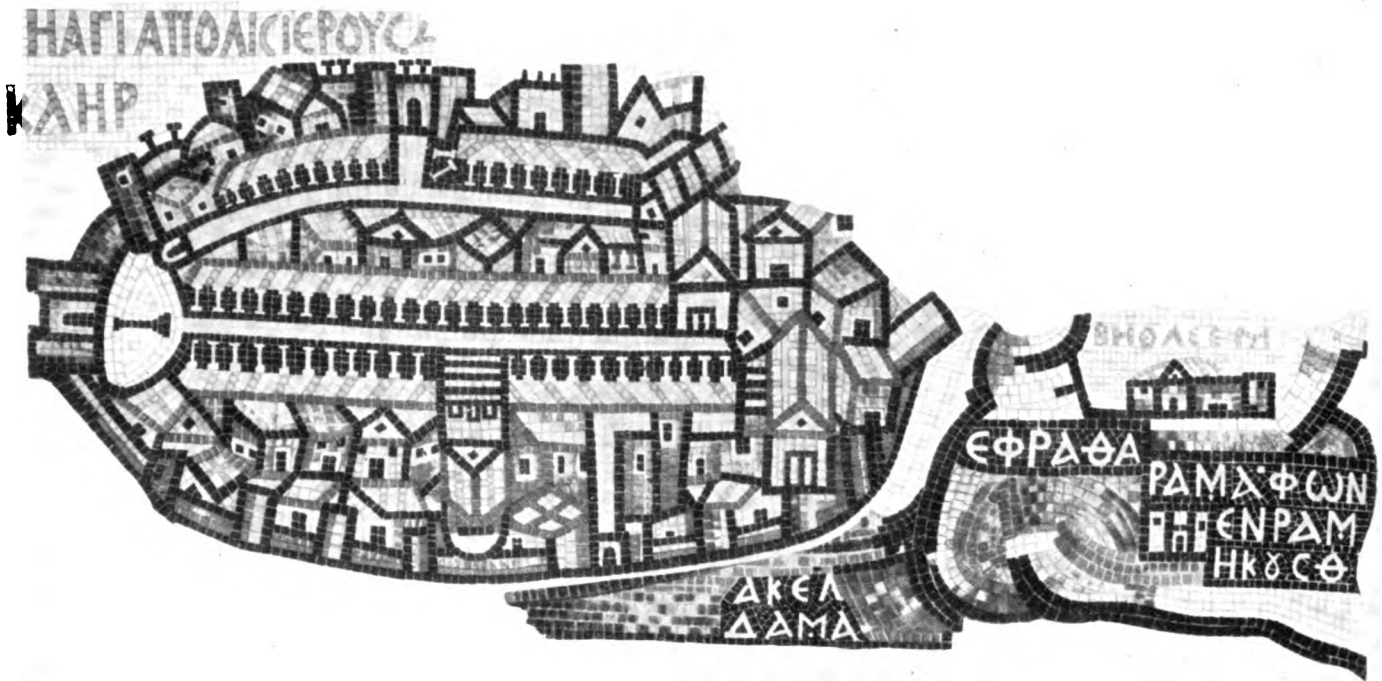
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THE MADABA MAP

Part of the mosaic floor of the Greek Orthodox Church in Madaba, Transjordan, illustrating Jerusalem as it was in early Christian times (VI century A.D.). The mosaic contained the principal religious and historic sites in Palestine and Transjordan, the detail of Jerusalem being especially well preserved.



JERUSALEM

THE CITY PLAN PRESERVATION AND DEVELOPMENT DURING THE BRITISH MANDATE 1918-1948

BY

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With a Foreword by

GENERAL SIR ALAN GORDON CUNNINGHAM

K.C.B., D.S.O., M.C.

High Commissioner for Palestine

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FOREWORD

By General Sir Alan Gordon Cunningham, K.C.B., D.S.O., M.C.

I WRITE THESE LINES UNDER THE SHADOW OF THE BRITISH withdrawal from Palestine and therefore welcome the opportunity given me to remark on one feature of administration here which has been persistently pursued, without regard to politics or schism, by the selfless devotion of individuals of all races and creeds.

The City of Jerusalem, precious as an emblem of several faiths, a site of spiritual beauty lovingly preserved over the ages by many men's hands, has been in our care as a sacred trust for 30 years. In these pages will be found an important part of the story of the discharge of that trust, of the efforts made to conserve the old while adding the new in keeping with it, of the process of marrying modern progress with treasured antiquity.

Let old Jerusalem stand firm, and new Jerusalem grow in grace! To this fervent prayer I add the hope that the accomplishments and labours of the years covered in this book may be considered worthy to act as an inspiration and an example to the future generations in whose care our Holy City must rest.

ACKNOWLEDGEMENTS

For the drawing and colouring of the majority of the unsigned plans I am indebted to Mr. C. H. Baruth, Architect of Haifa, whose excellent draughtsmanship speaks for itself, and who throughout the period displayed a keen interest in the work generally and participated in great measure in working out details relating to the planning of a neighbourhood unit.

My sincere thanks are due to Mr. A. P. Mitchell, C.M.G., the Director of Surveys, for his encouragement and for the painstaking efforts made by his Department in preparing preliminary plates and for general advice relating to presentation of plans when required for reproduction purposes. The map of the Old City in the folder is one of many produced by his Department and is a tribute to the fine workmanship of his staff.

Readers will, I feel sure, appreciate the many excellent photographs that illustrate the various chapters. The following photographs were taken especially for this work by Mr. Alfred Bernheim of Jerusalem to whom my thanks are due: Nos. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 38, 40, 41, 42, 44, 45, 46, 47, 48, 49, 50, 51, 52, 58, 59, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 82, 87, 88, 89, 97, 105, 106, 107, 110, 111, 112, 113, 114, 116, 118, 120, 123, 126, 127, 129, 132, 139, 143, 164, 165, 175, 176, 179, 180, 189, 191, 192.

Mr. G. Eric Matson of the Matson Photo Service, whose work is known not only in Palestine but in America as well, was responsible for the photographs numbered 1, 15, 57, 86, 90, 91, 92, 93, 95, 96, 98, 100, 101, 103, 104, 131, 133, 134, 135, 136, 137, 138, 140, 141, 142, 144, 157, 158, 159, 160, 161, 162, 163, 166, 167, 168, 169, 170, while Mr. G. S. Schweig, until recently the official photographer to the Department of Antiquities, was responsible for numbers 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 39, 60, 61, 81, 102, 108, 109, 115, 117, 119, 121, 122, 124, 125, 128, 130, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155 and 181. Mr. F. Schlessinger took those numbered 53, 54, 94, 99, 156, 182, 183, 184, 185, 186, 187, 188, 190.

I am indebted to Mr. C. N. Johns of the Department of Antiquities for assistance in the chapter relating to the historical background of the walls and gates of Jerusalem, and to my wife for research work into the records of the Pro-Jerusalem Society.

The water colours by Mr. H. G. Gray, M.B.E., will delight many of his friends in Palestine and elsewhere and their inclusion in this publication will, it is hoped, introduce his work to a wider circle than it has hitherto enjoyed. They were sketched especially for this publication, sometimes under trying and difficult circumstances.

I am indebted to the Hospitaller of the Venerable Order of the Hospital of St. John of Jerusalem for permission to use as an end paper a photograph of a rare engraving in possession of the Order. This engraving forms an amusing contrast to the oblique air picture of present day Jerusalem on the other end paper.

Last but not least my thanks are due to the Government of Palestine for permission to compile and publish this book, and to the Publications staff of the Stationery Office for their patience and expert assistance at all stages of the work.

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INTRODUCTION

For twenty-seven years it has been the earnest endeavour of the British Government to preserve the character of the Old City of Jerusalem and to encourage the new suburbs of the modern town to develop in a manner worthy of the great historic, architectural and religious traditions of the past. This task has not been easy.

On the one hand there are those who claim that not enough has been done regarding the preservation of its ancient monuments. Others assert with strident voice that Jerusalem should be treated like any other town and development should be encouraged to forge ahead, even if that development were to include industrialisation thereby prejudicing the cultural aspects of the city.

It has been difficult for the central authorities to adopt an enlightened policy in the midst of such divergent opinions. It is maintained, however, that principally through the medium of the Jerusalem District Building and Town Planning Commission Government has been largely successful in doing so, and the extent of its success it is hoped will be revealed in this publication. No doubt these two schools of thought will continue to hold these apparently conflicting opinions, but it is submitted that neither will deny that for more than a quarter of a century Government has been consistent in its policy of preservation and development; nor has it lost sight of the excellent principles laid down by the late Lord Allenby in the first town planning scheme for Jerusalem.

Since no plan can become effective without local support, it is only fair to stress at this early stage the important part the support of the local authority has played in the development of Jerusalem since the Occupation in 1918. And yet the intensity of this support has fluctuated. At times, particularly in the days of the Pro-Jerusalem Society it was vigorous, often spontaneous and came from all sections of the heterogeneous community of the City. In later days, alas, political bickering and manoeuvring has on occasion brought the machinery of planning almost to a standstill. In spite of these setbacks, however, the local authority, chiefly through its technical officers, has maintained excellent relations with Government in planning matters.

If planning when centrally directed in important matters of policy can be said to depend for its

success on the active co-operation and drive of the local authority, how much more must it depend on the support of the public at large? Suffice it to say that any impartial observer would confirm that during the past quarter of a century Government and the local authority have had this essential support in generous measure. By their progressive attitude to planning, Government and the past Mayors of Jerusalem have achieved considerable success in making the inhabitants of this historic city aware of the great merits of major planning principles and there are encouraging signs that civic consciousness has been aroused.

A great deal remains to be done. The close relationship between public health and planning has been often stressed. The appreciation of the architecture of past ages takes time to inculcate. Such matters as the necessity for general improvement of amenities and town furnishing, as well as the development of a sense of tidiness must come slowly as the younger generation become more travelled and better educated.

No apologies are offered because this publication is in the later chapters more of an expression of the various plans and schemes that have been prepared and are in force, rather than a civic survey with recommendations for the development of a master plan. Too much has been heard in recent times of ambitious plans that have been abandoned almost as soon as they have been launched. The development of the modern town of Jerusalem is bound up with its political future, and that is a matter for the attention of the United Nations.

Although many forms of statistics are available relating to building, use, population, births and deaths, and a hundred other matters, they have not been included. It was considered that if included they would reduce the appeal of this book for the general reader. It is well appreciated that a real planning survey is still required. The present publication states the historical background and present position of planning, including building and legislation. An endeavour is made to give a picture of the architecture of the Old City and the modern town without overwhelming the reader with dates, and detailed descriptions of the various styles of architecture which have influenced Jerusalem during the last two thousand years.

JERUSALEM AND REGION

CHAPTER I

JERUSALEM IN THE REGION

THE REGION WITHIN WHICH JERUSALEM OCCUPIES a central position offers the varieties of soil and climate of a continent. To the west is a broad plain covered with deep fertile soil. Jerusalem itself is situated to the south of the comparatively barren and mountainous plateau of Judaea. Immediately to the east lies the deep fissure of the Jordan valley which divides Palestine so distinctly from Trans-Jordan. The land to the west falls away in gentle slopes until the fertile plain is reached. In sharp contrast the eastern slopes are precipitous and broken by valleys of great depth. This is the biblical desert made up of rocky wastes which descend in steep terraces from Jerusalem which is 2,500 feet above sea level to the Dead Sea which is 1,250 feet below sea level. This dramatic change in altitude occurs in little over twenty miles.

best part of two days. There was little or no foundation to any road and certainly no solid surface. Pot holes covered with fine dust abounded, and even in a horse-drawn vehicle it was necessary to proceed slowly and cautiously to avoid injury to animals and passengers.

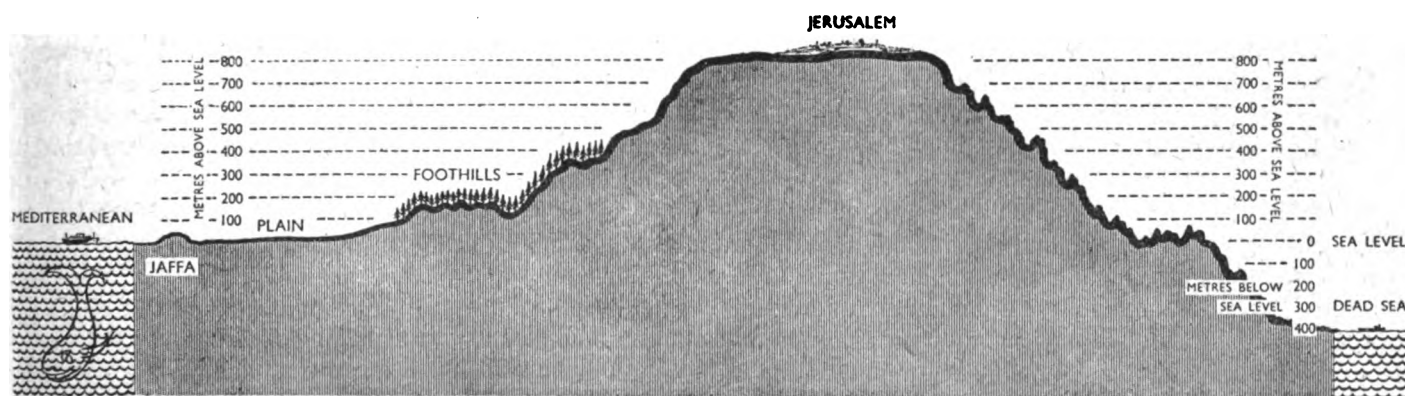
The location of Jerusalem in the Region, as regards altitude, can best be illustrated diagrammatically by the cross section given below.

After leaving the coast the main road runs through orange groves until the small town of Ramle is reached. The character of the soil then begins to change and with it the type of cultivation. From Ramle to the foot of the hills the land is wholly given up to crops of various kinds such as wheat, barley, and maize. In the vicinity of the Cistercian Monastery of Latrun, well known for its excellent wines, the landscape becomes more undulating. Soon afterwards Bab el Wad or the Gateway of the Valley is reached and the road then commences to climb steeply. Visitors are able to drive for many miles through hilly and well wooded slopes, one of the outstanding successes of Government policy in checking soil erosion by the afforestation of steep hillsides. During the last few years the alignment of this important arterial road has been continually improved, and the series of dangerous corners and steep bends some 10 kilometres from Jerusalem known as the "Seven Sisters" have now been replaced by a safer link.

When leaving Jerusalem by the eastern exit, the main road once again drops steeply in a dramatic manner some two kilometres outside the village of Bethany. The land becomes more and more barren

ROAD COMMUNICATIONS

Jerusalem is situated some 66 kilometres from the Port of Jaffa and is on the direct route from the coast to Trans-Jordan and the interior. It also lies astride the main north and south road, and in ancient times was an important link in the chain of "caravan" cities that connected Asia minor and the East with Europe. Since 1918 great strides have been made by British Government in bringing the country up to date as regards its road communications by the construction of many hundreds of kilometres of first class asphalt roads, thus directly benefiting Jerusalem. Prior to that year, the roads that existed were in an appalling state of disrepair and the journey from Jaffa to the capital took the



as altitude is lost and after the Good Samaritan Inn has been left behind the soil is so chalky and poor in quality that it can support only a meagre crop of grass.

At a point 32 kilometres from Jerusalem when the main road has reached the level of the Jordan Valley plain, it bifurcates, one branch leading southwards to the Dead Sea and the other northwards to Jericho and Trans-Jordan, passing on its way prosperous banana plantations. In the short space of half an hour we have left a temperate zone, and are now in a tropical one. Soon after leaving Jericho, and before reaching Allenby Bridge, the eastern boundary of Palestine, the road traverses a stretch of landscape so unreal in formation and colour that any attempt at description would be doomed to failure. After Allenby Bridge has been crossed the road climbs gradually at first and then more steeply to Amman, the capital of Trans-Jordan which in Roman times was a province classed as one of the main granaries of the Empire.

Jerusalem also lies astride the north-south road axis of Palestine. Although carrying far less traffic than the western approach road, the Hebron road is much used as the major link to Bethlehem and Beersheba and thence to the Negeb and Egypt. For many years this road was the best to Gaza and the south and it is only in comparatively recent times that the construction of a new road from Bab el Wad to the village of Masmiya made the western approach to Jerusalem the shorter and more popular route from the south.

Some 57 kilometres to the north lies Nablus, an important Arab town with long historical associations. The road that leads through Nablus to northern Palestine is probably one of the most spectacular in the country, for it follows the crests and valleys of the Judean hills, rising and falling in a very picturesque manner. As in the case of other roads, the surface and alignment is excellent throughout and since Turkish times has been improved out of all knowledge.

The approaches to Jerusalem from the four principal points mentioned above are illustrated in Chapter V, and detailed descriptions of these roads are given in that chapter.

RAILWAY

The main railway line from Egypt to Syria follows the coast to Lydda, from which place there is a branch line to Jerusalem. The main roads are so good, however, that passenger traffic on the railway is comparatively light. A few kilometres before the railway reaches Jerusalem, it passes through the

lands of several Arab villages which supply the town with a great deal of dairy produce, fresh vegetables and fruit.

From a planning point of view the railway is important as a means of transporting heavy goods, oil and machinery, and for taking away potash which is brought here by road from the Dead Sea in heavy lorries.

AIR

The airport of Jerusalem is situated at Lydda and is already known internationally. Centrally located in a great plain with no obstructions within miles Lydda Airport serves not only Jerusalem but Palestine and the Near East as well. Branch lines operate from here to Cyprus, Egypt, Syria, and the Lebanon, and all the important airlines running east and west make Lydda a port of call.

Many years ago the suitability of this locality for an airport was visualised by Government and the planning authorities were asked to take steps to ensure that building operations were discouraged in its vicinity. A scheme was subsequently prepared in 1940, prohibiting building operations in certain areas and severely restricting the height and size of all agricultural buildings within a wide perimeter of the airport. The wisdom of this policy has been amply justified.

Qalandiya, situated between Jerusalem and Ramallah, is only ten minutes by car from the centre of the city and is a useful landing ground. Owing to its small size, it is used only on special occasions and primarily by the R.A.F. Should the necessity arise in the future, it might be possible for Qalandiya to become a subsidiary airfield of Jerusalem. Before this could take place, however, many technical improvements will have to be carried out to the airfield; not only must the landing strip be extended and possibly widened, but the main road must be diverted to the west, thus skirting the landing strip, instead of crossing it as it does at present. Owing to its altitude and position amongst hills, as well as to the direction of prevailing winds, Qalandiya is not considered by the experts as a satisfactory landing ground. Its convenience in an emergency, however, has been proved on a number of occasions.

OTHER ASPECTS

RELIGIOUS AND CULTURAL

Jerusalem being the religious centre of three world faiths will always attract pilgrims, tourists and visitors. In normal times many thousands of

devout Christians, Jews and Moslems visit its shrines and holy places. The height of the religious festivities is usually reached at Easter time when this festival coincides with the Jewish Passover and is closely followed by the Moslem festival of Nebi Musa.

Jerusalem will also develop in the future as a cultural centre. It is the headquarters of Government; its schools, both secular and religious, are many and varied. The Hebrew University complex on Mount Scopus promises to become a precinct with an outstanding character all its own. The Government Arab College also, although small in scale and extent, can be developed on its fine site near Government House, to the south of the new town.

AGRICULTURE AND SOIL EROSION PROBLEMS

Generally speaking the land surrounding Jerusalem is eroded and rocky. Much labour must be put into it by terracing and planting to improve its fertility. To the east lies the great rift through which flows the Jordan with the Dead Sea at its southern extremity. Agricultural conditions improve towards Ramallah in the north, but a great deal of work in terracing and tree planting is still essential to check erosion and loss of soil, before the land can be made really productive.

For some time past Government has recognised the importance of introducing legislation and measures to combat the evils of soil erosion. A Soil Conservation Board was consequently set up in 1940 with the object of studying the problem in all its ramifications and reporting to Government from time to time as to the measures which the Board considered should be taken, in any particular area. Powers are contained in the Soil and Erosion Prevention Ordinance promulgated in 1941 to declare special areas within which certain activities such as grazing and ploughing can be severely controlled or entirely prohibited in the public interest.

Such a special area was declared in 1942 covering the hills that border the southern region of the Jerusalem town planning area. The main object of the declaration of this special area was ultimately to stop the erosion of soil from these hills by prohibiting grazing by goats and other animals and encouraging terracing on gentle slopes considered suitable for the cultivation of fruit trees. The tops of the hills and the precipitous slopes to be afforested with suitable trees. Apart from its declaration as a special area under the Ordinance, work on this project has not yet commenced, but its importance to the approaches to

Jerusalem and to the City itself cannot be overstressed.

WATER SUPPLY AND CLIMATE

Jerusalem is primarily dependent for its water supplies on the Ras al 'Ein springs, situated some 60 kilometres away in the western plain not far from Lydda. From here the water is pumped through a series of pumping stations to reservoirs in the western region of the town. The whole of this new water supply system has been in operation for about ten years. Previous to that, most private houses depended on their own underground rain-water cisterns, while the local authority relied on the supply from Solomon's Pools, situated some 4 kilometres south of Bethlehem and used from time immemorial.

No one who has worked and lived in Jerusalem for any time will dispute the fact that little more can be expected from the excellent Mediterranean climate. Although the summer can be long, dry and dusty, there is ample compensation in the short cold winter and the invigorating spring months which follow it.

The average rainfall is in the neighbourhood of 24 inches per annum, but unfortunately for the agricultural economy of the country most of the rain falls between November and March and in heavy downpours. It is this heavy concentration in so short a period that causes damage by soil erosion, and too quick a dispersal through the limestone substructure of the country. The excellent temperate climate with long spells of brilliant sunshine, even in mid-winter, makes Jerusalem a health resort when compared with towns in the coastal belt which in the summer are very humid and trying to live in. Situated at less than an hour by car from Jericho, where the climate is intensely tropical, with little or no rainfall, Jerusalem thus occupies a position in the centre of a climatic region of the most diverse kind.

BUSINESS AND COMMERCE

Situated far away from the sea in a comparatively isolated position in the Judaean Hills, Jerusalem is unsuited for heavy industries. In any case, such a development would conflict seriously with its more important cultural and religious aspects. Because it contains the seat of Government, however, many important firms and businesses have established their headquarters within its confines, and many new as well as old traditional crafts such as jewellery and silver work and tile making thrive both in the old city and the modern town.

CHAPTER II

SCHEMES PROMULGATED IN 1918, 1919 AND 1922

THE URGENT NECESSITY FOR IMMEDIATE ACTION with regard to the preservation of the architectural character of the Old City of Jerusalem and the prevention of the erection of undesirable buildings made a strong impression on the mind of the late Lord Allenby, then Commander-in-Chief, when he captured Jerusalem on the 9th December, 1917. Two days later the official entry was made by Allenby and his staff and by representatives of the French and Italian contingents by walking into the city by the Jaffa Gate. The proclamation read from the steps of the Citadel ran as follows :

“ To the inhabitants of Jerusalem the Blessed and the people dwelling in the vicinity. The defeat inflicted upon the Turks by the troops under my command has resulted in the occupation of your city by my forces. I therefore here and now proclaim it to be under martial law, under which form of administration it will remain so long as military considerations make it necessary. However, lest anyone of you be alarmed by reason of your experience at the hands of the enemy who has retired, I hereby inform you that it is my desire that every person should pursue his lawful business without fear of interruption.

“ Furthermore, since your City is regarded with affection by the adherents of three of the great religions of mankind, and its soil has been consecrated by the prayers and pilgrimages of multitudes of devout people of these three religions for many centuries, therefore do I make known to you that every sacred building, monument, holy spot, shrine, traditional site, endowment, pious bequest, or customary place of prayer, of whatsoever form of the three religions, will be maintained and protected according to the existing customs and beliefs of those to whose faiths they are sacred.”

The enemy was still on the Nablus-Jordan valley line astride the centre of Palestine when Allenby asked the then City Engineer,* Alexandria, to come to Jerusalem and report and advise upon what measures should be taken to institute the necessary control of building operations and town develop-

ment, keeping in view the architectural traditions of Jerusalem and the importance of preserving its historic monuments.

THE 1918 SCHEME

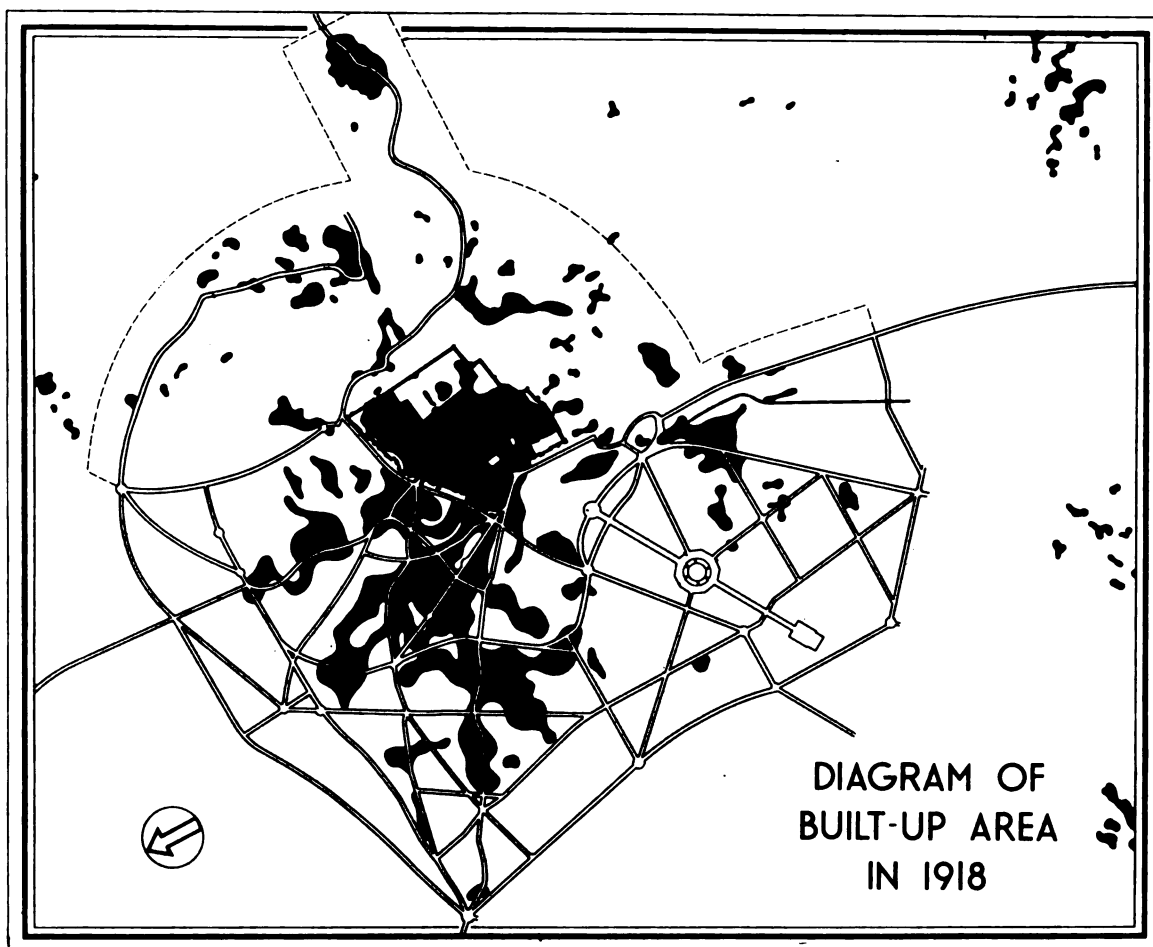
Mr. McLean arrived in due course and although seriously handicapped by the lack of basic topographical maps, proceeded to prepare a draft scheme for the preservation of the Old City and the development of its environs. The absence of survey maps must have presented enormous difficulties, since the ground on which modern Jerusalem is built is undulating and is interspersed by valleys and isolated spurs and ridges some of which rise to a height of some fifty metres above the lowest point of the region. At his suggestion a proclamation was issued by the Military Governor† in 1918 requiring that no person should demolish, erect, alter or repair the structure of any building in the city or its environs within the radius of 2,500 metres of the Damascus Gate until he had obtained a written permit from the authorities, the penalty for contravention being a fine not exceeding £P.200. Buildings within this circle were permitted subject to the following restrictive conditions :

- (1) No building to be placed so as to appear on the skyline of the Mount of Olives and to the south of the city ;
- (2) No building to be of a greater height than 11 metres above ground level ;
- (3) Roofs to be constructed of and covered with stone or other approved material ;
- (4) No buildings intended for industrial purposes to be permitted ;
- (5) In general, approval would be given only for buildings which were an extension of the small villages embraced in this area and for special buildings to the north and west of the old city.

This set of provisional regulations relating to the issue of permits was accompanied by a provisional plan (on facing page) indicating the restricted areas.

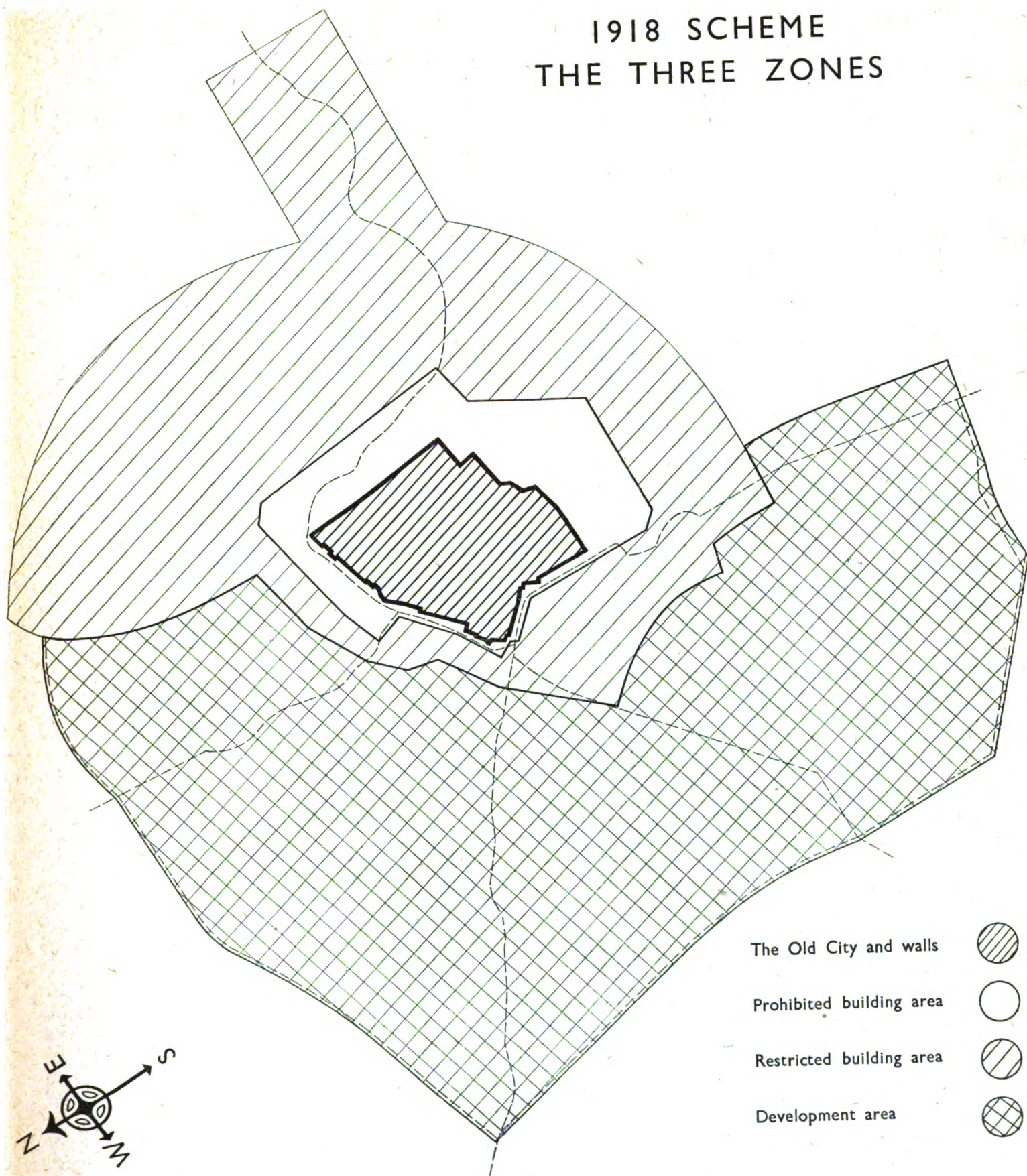
The scheme in its final form was approved by the Commander-in-Chief on the 22nd July, 1918. The

* Mr. W. McLean and now Sir William McLean. † Sir Ronald Storrs. 4



THE 1918 SCHEME

1918 SCHEME THE THREE ZONES



- The Old City and walls
- Prohibited building area
- Restricted building area
- Development area

plan of the scheme bears the signatures and official seals of the Military Governor of Jerusalem and the then Mayor of Jerusalem.* The author of the scheme in an explanatory note, remarks that it was designed to preserve the mediæval aspect of the old city and to surround it by a belt of land which should remain in its natural state as far as was practical at the time. Further, any structures which might be erected within a belt situated beyond this area should be in harmony and in scale with the Old City. The scheme which is known as the 1918 scheme has four zones :

- I. The Old City within the walls. Mediæval aspect to be preserved ; new buildings to be permitted only under special conditions.
- II. Areas immediately abutting on the city walls. No new building to be permitted and the locality to be eventually cleared of undesirable buildings and left in its natural state.
- III. An area principally to the north and east of the Old City. Buildings may be erected only with special approval and under special conditions rendering them in harmony with the general scheme.
- IV. An area to the north and west of the old city. This is the region planned for future development. The 1918 plan indicates the alignment of future roads and open spaces and suggests improvement to existing roads and tracks.

It will be noted that the second zone covers the Kidron Valley, the Garden of Gethsemane, the Pool of Siloam, Mount Zion and the Valley of Hinnom. The third Zone includes the Mount of Olives and the village of Bethany. It was the intention at the time that every encouragement should be given by the authorities to the construction of buildings in stone with vaulted roofs. This is the typical Arab construction of the vast majority of the buildings in the Old City itself. In the explanatory note submitted with the scheme, stress was laid on the necessity for the rebuilding of that portion of the wall between the Jaffa Gate and the Citadel which was demolished to provide an entrance for the German Emperor in 1898. Reference was also made to the desirability of removing the shops adjoining the Jaffa Gate and the unsightly clock tower erected on this gate. Finally the importance for repairs to be undertaken to the city walls and the gates in general is also mentioned. The usual practice of constructing flying buttresses across the paved streets of the Old City to support old buildings was to be encouraged as also the use

of the projecting windows in stone in the case of any reconstructions.

It was largely due to the firm attitude taken by Government with regard to the prevention of building in the Mount of Olives region that Jerusalem during the last thirty years had tended to expand to the west and south-west. To those who know the ground on which the new suburbs of Jerusalem are built it may seem obvious that expansion in these directions was dictated principally by topography, but it cannot be doubted that the first forceful steps taken by the British authorities had a great deal to do with the direction of this development.

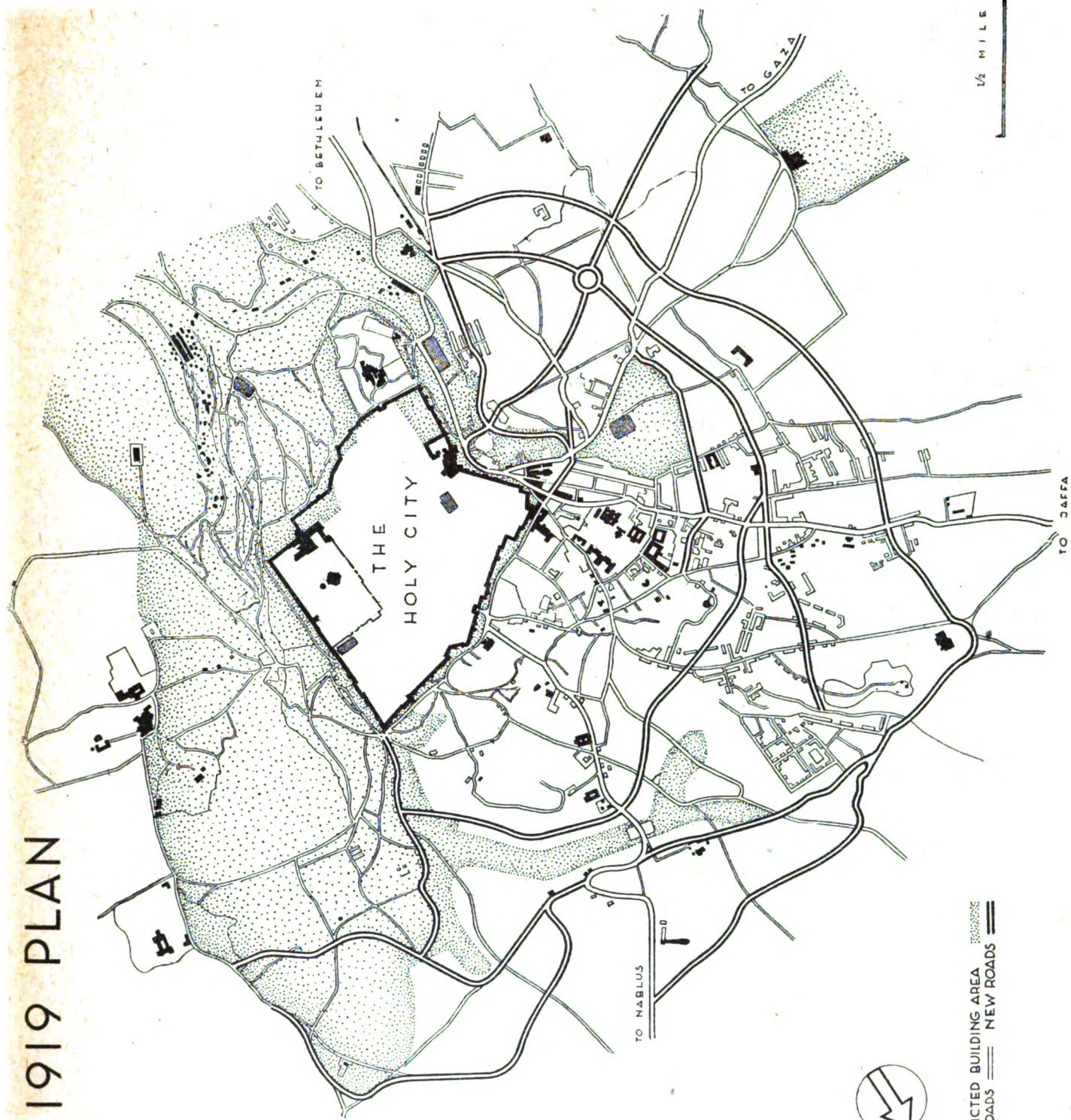
From 1918 onwards preservation schemes prepared for the Old City and its immediate neighbourhood have been largely influenced by the McLean plan. Reference to the special provisions of the 1944 scheme with regard to this area will bear this out. Most of the regulations of the 1918 plan have been maintained within the Old City itself, although the restricted building belt around the City walls during the course of the years following the promulgation of the scheme has shrunk in size. It is presumed that this shrinking was due to force of circumstances and to the general lack of funds for the purchase of land on which it was intended that building should be permanently prohibited. Mention must also be made of the fact that the actual boundaries of this area which came to be known as the nature reserve area have been considerably modified with the passage of time, but the 1944 scheme proves beyond question that Government have throughout retained the idea of the preservation of the Mount of Olives by its inclusion in that scheme as a nature reserve with very restrictive building conditions.

THE 1919 SCHEME

In the following year (1919) the late Sir Patrick Geddes was requested by the Pro-Jerusalem Society to give his views on the future expansion of modern Jerusalem. The plan which he prepared differs considerably from the 1918 plan, although in both plans the Old City is isolated by a protective belt within which building is prohibited. The road network in the 1919 plan is much more elastic and a serious attempt was made to follow contours. The Mount of Olives and the antiquity zone to the south of the Old City have been linked to form open spaces and it is gratifying to note that to a great extent all these areas still preserve their original character at the present time. Neither of these two plans, however, contains detailed pro-

* Kazem Musa el Husseini.

THE 1919 PLAN



posals for zoning, and Jerusalem had to wait until 1930 before a complete town planning scheme was put into force. By that time the administrative aspect of town planning had been clarified, and with Government support a definite policy with regard to zoning had been laid down by the local authority.

One of the major matters indicated in the 1919 scheme was the siting of the proposed Hebrew University to the north-east of the Old City and on the spur of Mount Scopus. This project has gradually developed during the intervening period of 26 years and now forms a precinct of its own.

THE 1922 PLAN AND THE PRO-JERUSALEM SOCIETY

Soon after the British occupation and hearing of the presence in Egypt of the architect Mr. C. R. Ashbee, friend and disciple of William Morris and known for his skill in urban development, the then Governor of Jerusalem requested him to visit Jerusalem and write a report on its possibilities. Soon afterwards Mr. Ashbee was appointed Civic Adviser and Secretary to the newly formed Pro-Jerusalem Society, a post which he held for nearly four years.

The main objects of the Pro-Jerusalem Society were "the preservation and advancement of the interests of Jerusalem, its district and inhabitants." The Old City was treated as one compact unit within its walls, and as a result of this sound principle excellent restoration work was carried out and much done to improve living conditions without disturbing its unique architectural character. Lack of money hindered the Society in its work, but the public spirit of its members acted as a driving force in preserving and restoring so much of what was best in Jerusalem. Progress was also held up by questions of prescriptive right in the holy sites and the joint ownerships of land and buildings by conflicting religious bodies. In spite of these difficulties, however, the Society flourished and was a valuable means of bringing together peoples of different faiths and outlook but who were all united in their love of Jerusalem and proud of its historic past.

One of the Society's first and most difficult tasks was the cleaning of the Citadel which had been used as a Turkish fortress and after the British occupation had continued to be used by thousands of refugees. The towers were repaired and the interior of the Tower of David was opened up to make an exhibition room. Much stone debris had to be cleared away and the fosse which the Turks had used as a tipping pit for refuse, cleaned. This done, terraces were made, trees planted and a garden laid out

following the architectural lines of the Citadel.

The cleaning of the fosse was followed by the cleaning of the ramparts, the uncovering of the ancient sentinel's walk round the walls and the opening of some of the guardhouses, several of which were buried many feet in debris. On the rampart walk inconspicuous iron handrails were fixed at various points, and many encroachments were removed which were in reality an attempt to convert the wall into private property.

The Society was next instrumental in cleaning up the gates which are such a characteristic feature of the Old City. It prevented the Jaffa Gate from being converted into a camp kitchen, while at St. Stephen's Gate it cleared out a contractor who had appropriated the whole of the top of the gate for baking dung cakes. The adjoining guardhouse was repaired and subsequently used by the police. At Herod's Gate protective work was done and the gatehouse renovated and turned into a house for one of the gardeners.

An attempt was made to lay out a children's playground in the Zion Gate quarter but owing to the nightly raids which resulted in the garden being stripped of all trees and plants, work had to be suspended. While the playground was being constructed Roman remains were discovered, thought by Père Vincent to be traces of the large camp of the men of the Xth legion who had used this locality after the siege of Jerusalem in 70 A.D.

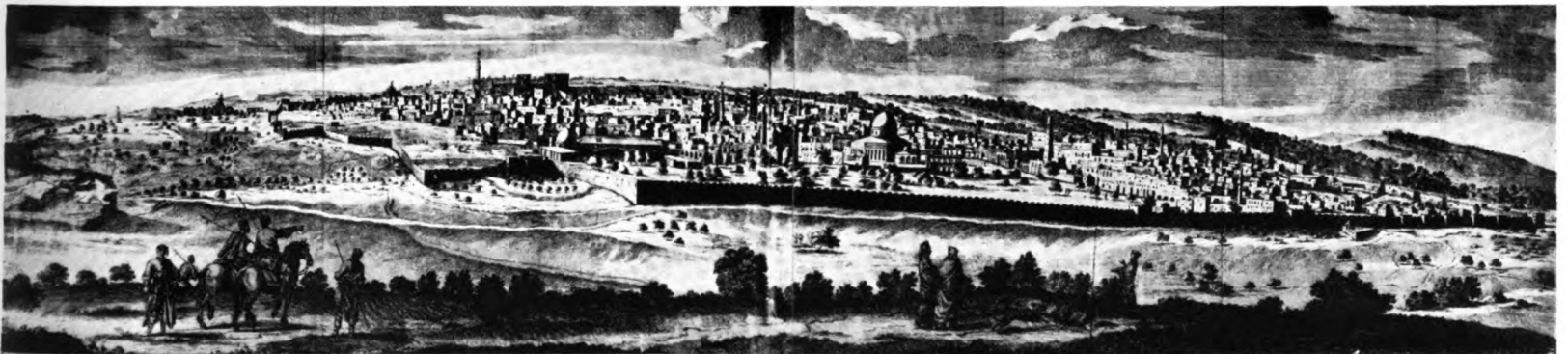
The Society was also vigilant in preserving the characteristic features of the city such as the projecting wooden windows and in cleaning and repairing the ancient "suqs" or markets and covered ways. Some of the latter were so neglected that they were in danger of falling in; especially was this the case of the Suq el Kattanin, a fine example of its kind. The size of shop signs was regulated by municipal by-laws which also limited the placarding of every conspicuous wall with advertisements, substituting moderate-sized notice boards displayed in specially chosen sites. This important step taken at the right time led to stringent control over advertisements in the modern town, and is a feature favourably commented upon by discriminating visitors to Jerusalem.

Amongst the antiquities preserved were the Roman staircase at Siloam and the Bath of the Patriarchs in Christian Street, while mention must also be made of the Society's assistance which enabled the Waqf authorities to undertake repairs to the Dome of the Rock.

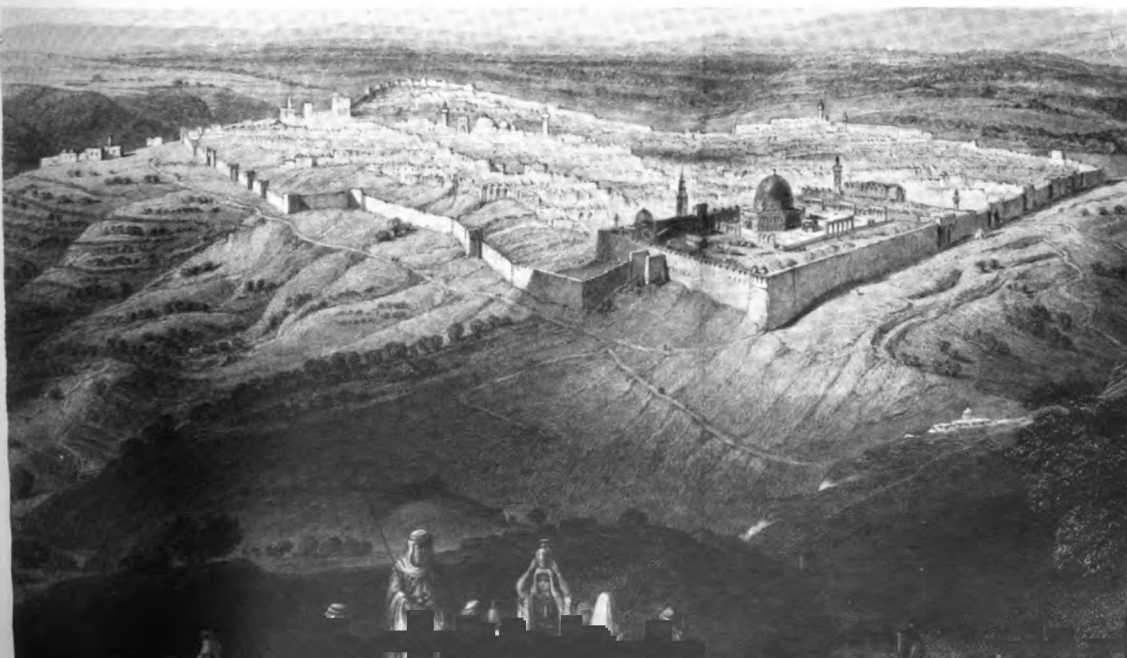
In the Jaffa Gate improvement scheme permission was tactfully obtained to remove a hideous clock



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2



3

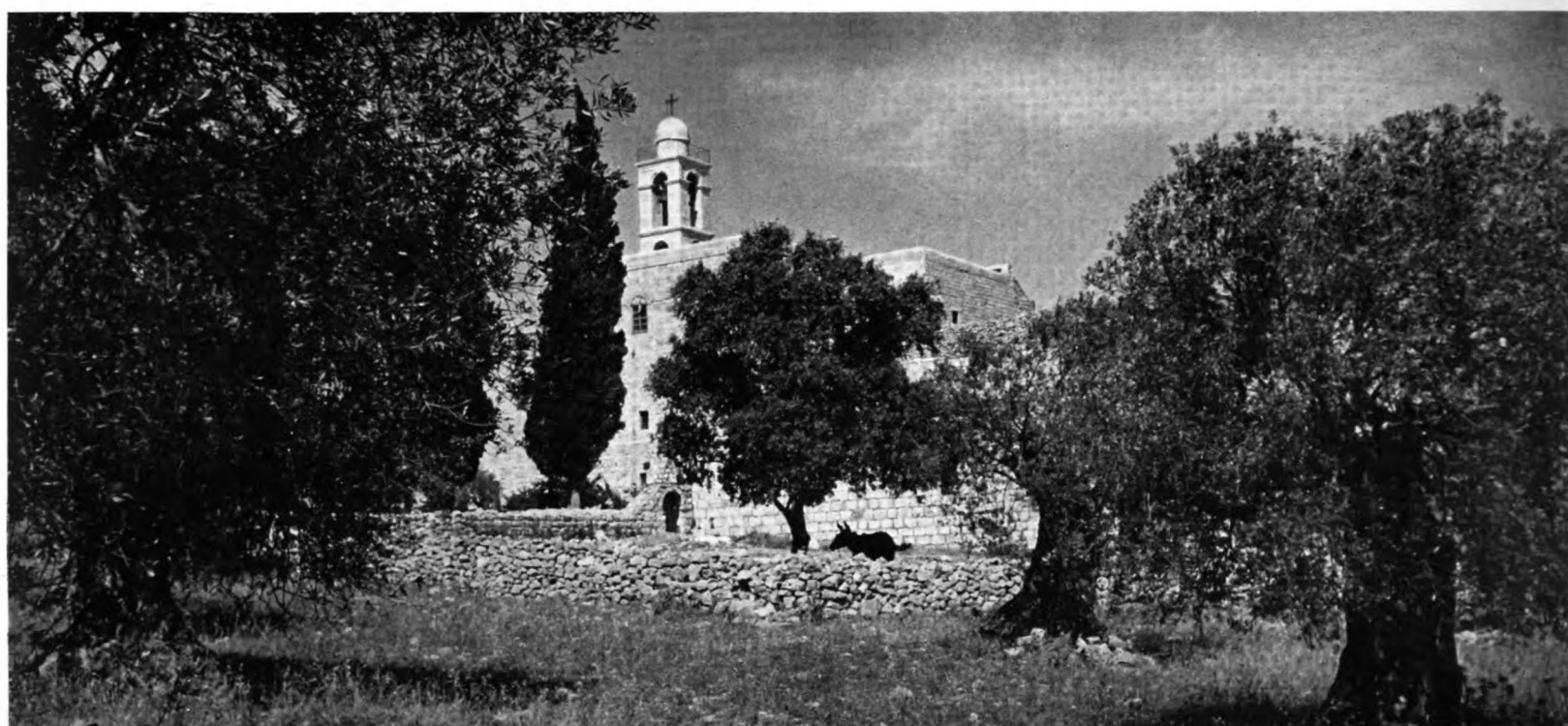
THE APPROACHES TO JERUSALEM

THE SOUTH EAST ANGLE OF THE CITY WALL

1. From a photograph taken in 1940
2. From an engraving about 1730
3. From a drawing about 1850



4



5
6





8



7

*THE APPROACH FROM
BETHLEHEM*

4. Looking east with Bethlehem in the distance
5. The Greek Convent of St. Elias
6. Holman Hunt memorial seat
7. Another view of the Convent and bell tower
8. The first view of Jerusalem
9. Approaching the southern suburbs

9





10

*THE APPROACH FROM
JERICHO AND BETHANY*

10. Bethany and the Moab Mountains



11

11. Cornfield with Abu Dis village in the background

12. Approaching Jerusalem showing typical landscape

13. Looking southwards towards the Kidron Valley

14. Convents on the crest of the Mount of Olives

15. Dramatic view of the Dome of the Rock and the old city



12



13



14



15



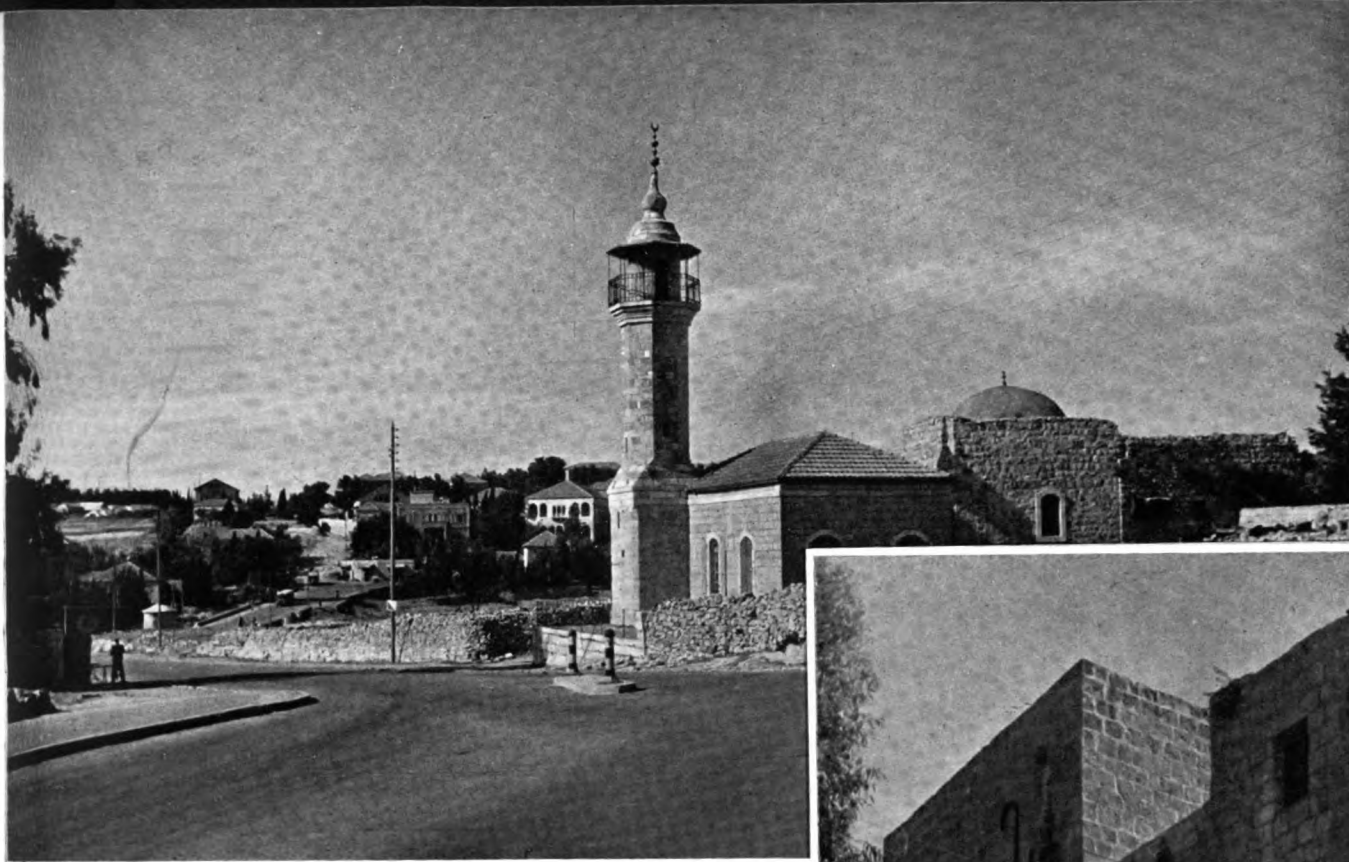
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17



18



19

THE APPROACH FROM HAIFA

16. First view of old city and the Russian tower on the Mount of Olives
17. Closer view showing northern suburbs
18. Mosque near American Colony
19. The same mosque, looking towards the Nashashibi quarter
20. Detail of fine specimen of early XVII century Arab domestic architecture
21. General view of same building showing massive walls and mediaeval appearance



20



21



22

THE APPROACH FROM JAFFA AND TEL-AVIV

22. The ancient village of Lifta seen from the main road

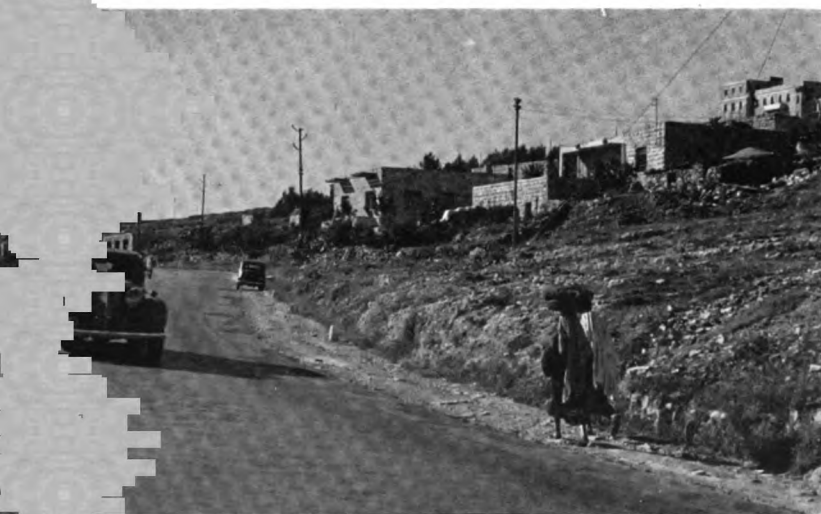
23. Broken skyline and lack of terracing

24. Unfinished buildings and no pavement

25. General incomplete appearance of road and pavements

26. Another view showing necessity for improvements

23



25



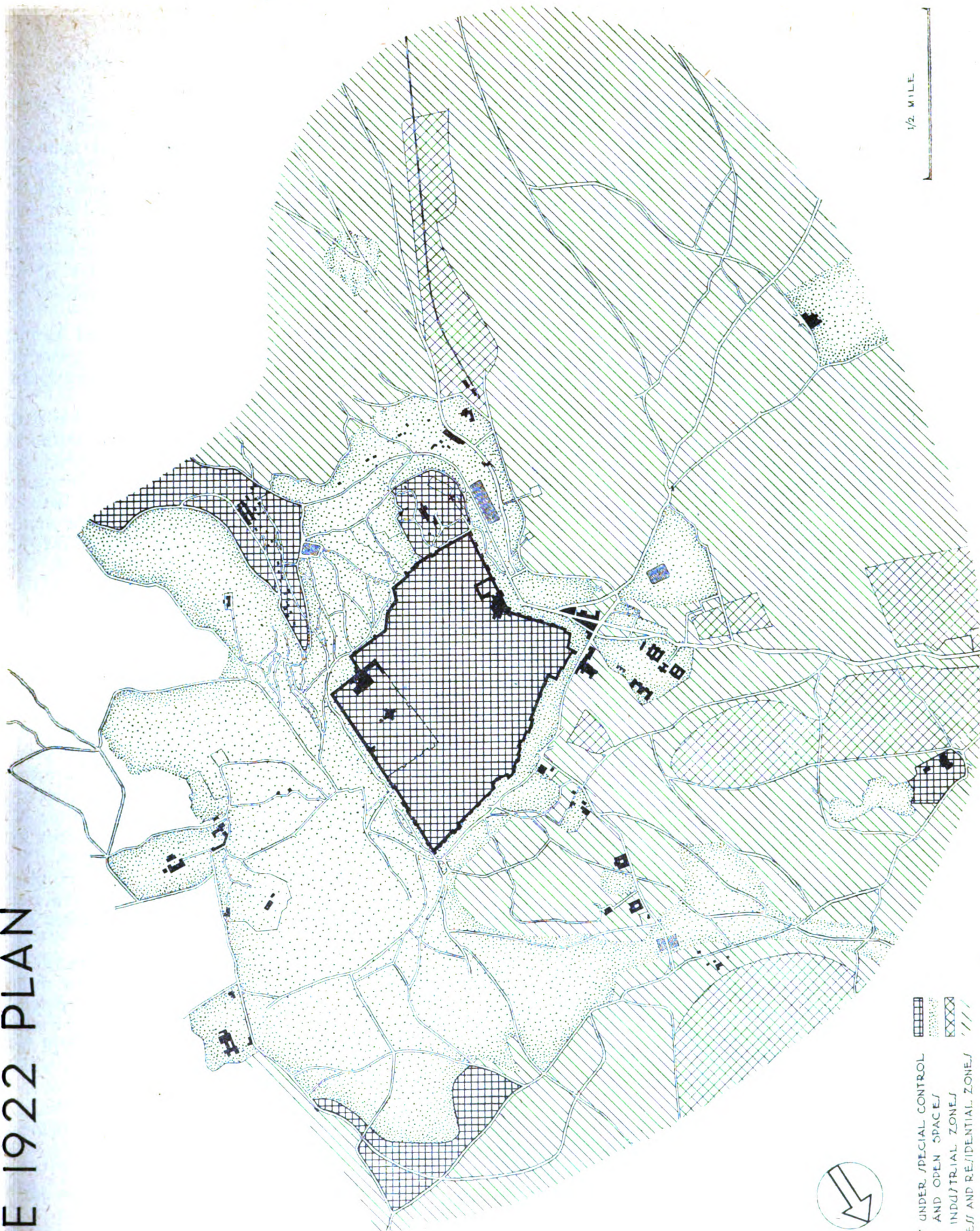
24







26



THE 1922 PLAN



1/2 MILE

 AREAS UNDER SPECIAL CONTROL
 PARKS AND OPEN SPACES
 LIGHT INDUSTRIAL ZONES
 BUSINESS AND RESIDENTIAL ZONES



tower with dials showing the time according to both Western and Arab reckoning, and which had been erected to commemorate the 33rd year of the reign of the Sultan Abdul Hamid. Permission was also granted to replace the low parapet wall in this locality which had been removed prior to the Kaiser's entry into Jerusalem in 1898.

The Society, working in collaboration with the Municipality and the Department of Public Health prepared a report on the market needs of Jerusalem. Most of the markets were in a horrible state of squalor and consideration had to be given to religious custom and law.

Valuable work was done with regard to building regulations such as the prohibition of the use of corrugated iron inside the Old City and in some cases the Society was instrumental in removing structures made of this material. The old method of dome construction was encouraged and in many places revived, while in 1922 a special sub-committee was formed to undertake the naming* of streets in the Old City in the three official languages. The names were executed in glazed "Dome of the Rock" tiles manufactured in the Old City itself. Unobtrusive wrought iron lamp brackets were placed at intervals to light the narrow streets.

Very largely as a result of the public interest aroused by the Society a town planning commission was appointed under the 1921 Ordinance. One of its first tasks was to prepare a draft town planning scheme known as the 1922 Scheme. This scheme was used as a basis for the consideration of a number of important detailed schemes located in the environs of Jerusalem. The Society had fought bravely and for a long time unsuccessfully to obtain a proper survey of Jerusalem and surrounding localities. It is perhaps unnecessary to stress here how very important it is to have a correct survey before the drawing up of a town planning scheme is at all possible. The result of the lack of this essential information as already pointed out made the basis of the 1918 and 1919 plans inaccurate, but the 1922 scheme which was promulgated by the Town Planning Commission in that year was fortunately based partly on a survey by Mr. Guini and partly on an official survey which Government had procured for the use of the authorities.

In this scheme there are four principal zones :—

- (a) The Old City which was reserved for special treatment.
- (b) The park system composed of public and private open spaces.

* Owing to obstruction from various sources this work was never extended and completed to embrace the modern town.

(c) Industrial workshops and factories zone.

(d) Business and residential zone.

The valley of Kidron and Mount Zion were included with the Old City in the first zone.

The Mount of Olives and the areas included in the restricted building zone in the 1918 scheme fall into the category of parks and open spaces. This zone also covers Mount Scopus and the land surrounding the city walls which is linked with the Mamillah pool by private open spaces around the Russian Church and subsidiary buildings all of which occupy a prominent site in the vicinity of the City walls.

Private open spaces are also indicated in the region of the Monastery of the Cross to the west of Qatamon and at Talpiyot adjoining the Bethlehem road.

A serious attempt was made to set aside sites for industries and, as will be seen when the matter is discussed in a later chapter, these sites have not materially changed with the passing of the years. There are three principal sites. The first is located in the vicinity of the Railway Station to the south of Jerusalem. This area has since 1922 been fully developed and is now almost congested. In addition to shunting yards and railway sheds, the bulk of oil products are stored in this site. The second industrial area is situated at Beit Safafa and neighbourhood. This site has shrunk in area in the 1944 scheme as it was subsequently found that the land was required primarily for residential purposes.

The third area is situated to the north of Jerusalem near the Schneller quarter. Since 1922, owing principally to the fact that development of the new town has taken place to the west and south, this locality has not yet been built up. It is at the time of writing almost ripe for development as reference to the built up area plan in 1944 will demonstrate.

The 1922 scheme wisely did not attempt to plan in too much detail and left the remainder of the area not set aside for open spaces or industries for business and residence.

As will be described in a later chapter, shops and business premises were constructed along the main roads. Comparison with the diagram in the neighbourhood unit chapter indicating the present position of shops will be of interest. It will be seen therefore that the 1922 scheme laid a solid foundation of future schemes and in its general approach to the problem followed modern ideas of the general development plan so essential before the stage of detailed planning is reached.

CHAPTER III

THE CITY GATES AND THE 1929 SCHEME

IN 1929 THE TOWN PLANNING AUTHORITIES PREPARED a scheme encompassing the city walls and gates with a view to their preservation and the eventual clearance of the undesirable buildings which had been constructed under the former regime abutting certain sections of the walls. As mentioned in the preceding chapter, the Pro-Jerusalem Society had already given a strong lead in the preservation of the Old City as a whole including the restoration of the walls themselves. Prior to 1929, work on the walls by this Society had been very largely achieved in consultation with the various owners of property abutting the walls and with their agreement. The preparation of an official scheme, therefore, was a step forward, since it was not always possible to achieve active collaboration especially when owners were absent or disinterested.

The area of land covered by the scheme* is some 210 dunums or approximately 53 acres. In the provisions of the scheme it is specifically stated that no new building, structure or work whether temporary or permanent and no extension of or addition to any existing building, structure or work may be executed without permission. The deposit of rubbish or refuse or building material within the area of the scheme was prohibited.

The scheme also laid down that no structural repairs to any building should be carried out without the prior approval of the Director of Antiquities and that such repair if approved should not increase the total cubic extent of the building in question. Before describing the scheme in detail it might be appropriate to give at this point a brief account of the city walls themselves.

The walls of Jerusalem stand as a record of the countless vicissitudes through which the city has passed and must impress all who see them. Their course follows the shape of an irregular quadrilateral and they vary greatly in height and thickness according to the nature of the external terrain, being made especially strong where the ground favoured an attacking force, and correspondingly less strong when built on a scarp.

Jerusalem, being situated on a mountain ridge, is exposed to every wind which blows and in studying the walls, therefore, consideration must be given to the influences of nature. From time immemorial Palestine has been visited by earthquakes and as far

back as 362 A.D. one is known to have disturbed the city. Since then there have been periodic shocks, the latest (a mild one) having taken place as recently as in September 1941. An inscription on the battlements records the damage done to the walls of the Haram esh Sharif by the earthquake of 1034 A.D. The present wall is a relic of a defensive system which, as time passed, had to be adapted to the size and needs of the population.

The walls first encircled the ancient city of Jebus which occupied the south end of the eastern of the two ridges across which the walled city now stretches, its site being determined by the location of a spring upon which the people depended for their water. After the capture of the city by David, his son and successor Solomon extended its boundaries by adding his palace and the Temple to the north.

In time the whole of the south end of the west ridge became part of the city with a north wall running from a point near the present Citadel to the precincts of the temple, and west and south walls extending further south than to-day. The Jewish historian Josephus calls this the First Wall. It is uncertain when this extension took place; it may have been under the later Kings or it may have been as late as the time of the Maccabees (2nd century B.C.).

Gradually there grew up on the other side of the north wall a suburb round which there was built the so-called Second Wall, which extended to the north-east corner of the Temple precincts. It covered the projecting part of the west wall of the Temple.

Still the city spread across the level ground to the north, and soon after 40 A.D. the Jewish ruler Agrippa I began yet another extension, the Third Wall. But this was stopped by the Romans and only hastily completed at the time of the great revolt in which the Jewish city and temple were destroyed (70-71 A.D.).

When Jerusalem was restored by the Romans the defences were simplified and the fortified area contracted, the 2nd and 3rd north walls being eliminated. The legionary barracks used the old west wall from the Citadel southwards and no doubt the old first wall on the north, but a new wall seems to have been built on the south, on the line of

* Illustration preceding page 17.

the present south wall where it crosses the western ridge.

Three centuries later the whole of the top of the south end of this ridge had been enclosed and a new south wall, following very nearly the old lines and including the Pool of Siloam, had been built, thus restoring the city to the same dimensions as in the late Jewish period when it was still bounded by the First Wall, except that on the north the wall followed a new and more extended line, practically the same as the north wall of to-day.

No change is believed to have been made until just before the taking of Jerusalem by the Crusaders when the legionary line of defence at the south was again adopted, but in a map published in 1321 the flat summit of the south end of the western ridge is shown as being again inside the city, Saladin having walled it round after capturing the city from the Crusaders.

Finally, however, in the fourteenth or fifteenth century, the short line was adopted for the third time and this is the course the wall has retained until the present day.

The last restoration, the work of the Ottoman Sultan, Suleiman the Magnificent, was undertaken in 1536 and finished in 1539 as is recorded in various commemorative inscriptions on the gates and other points in the circuit of the walls.

The wall of Jerusalem has eleven gates including a modern one (1889). Four at one time gave entrance to the Haram and the remaining seven are so placed as to serve persons leaving the city by the principal streets or approaching by the natural lines of travel. These gates although differing externally, are built on the same general plan, that of a room with two doors built in adjacent sides, so that on entering one turns left to pass through the second doorway.

In order to describe them it is proposed to commence at the Jaffa Gate situated to the west of the Old City and to proceed in an anti-clockwise direction.

JAFFA GATE AND THE CITADEL

The Jaffa Gate,* known also as Bab el Khalil, has been used by people and animals from time immemorial and more recently unhappily by motor vehicles. Roads from the west and to the south of Palestine lead to this gate. It is at present almost completely obscured by ugly two-storey houses abutting the wall at this point; these were erected

during late Turkish times. In 1898 a portion of the wall to the south of the gate was removed and a gap made between the gate and the Citadel. The motive for this act of vandalism has been ascribed to the desire of the former Kaiser Wilhelm II to make a state entry on horse-back into the old city. This is in striking contrast to Allenby's entry into Jerusalem on foot by this same gate in 1917. In plan, the gate follows traditional usage with a staggered entrance, the double arched opening and immediately above, the machicoulis or projecting turret open at the bottom and designed and built for defensive purposes. This gate is one which projects considerably from the main wall thereby giving the appearance of a tower. Immediately to the south of the gate is the cluster of buildings known as the Citadel.

"The Citadel, like the citadels of Cairo, Damascus and Aleppo, is a castle of the Crusader period though not the work of the Crusaders themselves. It was built by the Moslem rulers of Egypt early in the 14th Century A.D., some years after they had taken Acre, the last of the Crusader cities. The main enclosing wall and towers, however, stand on older foundations which must have belonged to the castle built by the Crusader kings in the 12th century. It was then called the Tower of David after the big tower which stands to the north of the entrance.† The great courses of masonry at the bottom of the tower date not from King David's time (i.e. circa 1,000 B.C.) but from the time of Herod the Great. This tower was one of three which Herod added to the city walls to protect his palace which lay just inside. In size and finish the masonry of the tower is as striking as the huge courses seen in the Western or Wailing Wall of the Temple. Within the angle formed by the towers and the screen wall Herod built his palace with its great halls, colonnaded cloisters and shady gardens."‡

This portion of the Jewish city wall continued to form part of the City wall of Jerusalem for over 1,000 years after the destruction of Jerusalem by the Romans in A.D. 70. The Romans saved the wall here because it covered Herod's palace which they turned into a barracks for their garrison. Soon after the Arab or Moslem conquest in the 7th century A.D. a new seat of government seems to have been established on the site of Herod's palace, for behind the old city wall at the south end of the courtyard there is a buried wall within an attached round tower in the style of those palaces of the

* The illustration by H. G. Gray shows existing buildings removed as provided for in the 1929 scheme.

† See illustration.

‡ Department of Antiquities' "Guide to the Citadel of Jerusalem," by C. N. Johns. Cf. Josephus, "Wars of the Jews," book V, chapter IV.

early Caliphs which still survive in the Jordan Valley and the Syrian desert (8th century A.D.).

The Crusader Kings in the 12th century A.D. adopted the site in their turn and by adding courts to the big tower they created a castle of practically the present plan. The existing walls and towers mostly rest on the foundations of the Crusader castle.

After this castle had been dismantled by one of Saladin's successors between 1238-1239 and left in ruins for many years it was rebuilt by the Mamelukes early in the 14th century. Additions were made by the Ottoman Sultans in the 16th and 17th centuries.

*ZION GATE

This gate, which is known locally as Bab en Nabi Dawud, is situated in the southern wall of Jerusalem some 200m. from the south-west corner of the walls. Like the Jaffa Gate it also projects from the main line of the wall. It has also a staggered entrance and a double arched opening leading to Mount Zion, with the traditional machicoulis. There are two delightfully designed window openings with the pointed arches on either side of the gate, above which are embedded two roundels and a carved capital on either side of the main opening. These together with the machicoulis make this gate a particularly attractive one. All these details project considerably from the face of the wall and lend interest by creating a play of light and shade to what would otherwise have been a severe wall face.

*DUNG GATE

Proceeding in anti-clockwise direction the next gate to be reached is the Dung Gate. This gate does not project from the wall like a tower and is difficult to pick out if one is standing at any distance away, although it is placed in an angle of the wall. The ground falls rapidly after leaving Mount Zion and it is quite easy to look down on the top of the ramparts and the Dung Gate itself.

*GOLDEN GATE

Although this gate has remained closed for centuries and is happily unencumbered by unsightly buildings, it is felt that its inclusion within the 1929 scheme is well merited. Reference to the water colour sketch of the interior and to photographs of the exterior will clearly illustrate the grand scale on which this gate was conceived. The whole gate is in essence quite a large building

divided internally into two rectangles by a row of magnificent columns. The building is roofed in a complicated manner, for there are four saucer domes and two other domes on pierced drums which are located immediately inside the entrance. Although the double gate openings have long since been walled up, the morning light filters in through two small pointed arched windows to the east thereby enabling the details of the interior to be appreciated. Some of the Herodian masonry blocks used in the construction of this gate are enormous and they must weigh many tons. The architectural detail of the interior has a strong Greek flavour and the projection of the mouldings in the architrave and the frieze are slight in comparison with their great scale. The central columns are monoliths and give a fine sense of scale to the whole of the interior. In colour the effect is impressive with warm tones predominating.

It might be appropriate to give at this stage a short description of the attempts now being made by the Supreme Moslem Council to tidy the land lying between the great stone-paved platform upon which stands the Dome of the Rock and the eastern City wall.

The scheme of improvement entails a proposal to prepare and pave with stone flags a great processional way leading from the Mosque el Aqsa to the north-eastern gate of the Haram which almost adjoins St. Stephen's Gate. This is the traditional path taken by all Moslem funeral processions after prayers have been offered up in the Aqsa Mosque. The scheme also visualises the rough levelling into three broad terraces all the land situated between the Golden Gate and Solomon's Stables which are located in the southern part of the City wall. These terraces have already been constructed and a number of olive trees have been planted on them. They are divided by rough stone walls and connected with one another by a series of stone steps. Ultimately it is hoped to complete the scheme by improving the approaches from the Haram to the Golden Gate itself. The Council have throughout treated the area in a semi-formal manner hoping it will be used by the thousands of Moslems that worship daily as a public garden of rest.

The Council have already repaired and relaid the monumental steps leading from the raised platform to the lower level of the eastern open space and processional way. Care has been taken to carry out this work in complete architectural harmony with the other flights of steps to the north, west and south of the platform.

* See coloured illustrations.

***ST. STEPHEN'S GATE**

The only gate in the east wall which is opened and used at the present time is that which is locally known as the Bab Sittna Maryam. This gate forms the link between the Old City and Mary's Well, which tradition has located in the vicinity, and also with the old church situated in Gethsemane. In recent years a door has been cut through the inner wall to permit the passage of wheeled traffic, but originally the plan of the gate followed the usual form with its staggered entrance and exit. The outside door has superimposed pointed arched openings surmounted by the projecting turret open at the bottom for purposes of defence. Architecturally speaking the gate is noted particularly for the fine pair of carved stone lions or leopards built into the external wall just above the springing of the upper arch. The conventional treatment of these lions is very reminiscent of those in the Othello Tower in the Castle at Famagusta. The gate has a fine metal covered and studded doorway with great hinges and bolt still in position. The eastern front of this gate is considerably embellished with roundels, recessed niches and archery slits.

***HEROD'S GATE**

This gate is also known as Bab ez Zahira and it has been associated from time immemorial with one of the sheep markets of Jerusalem. It follows in plan the usual staggered arrangement typical in most of the other gates. In recent years however the outer wall has been pierced to permit the passage of wheeled traffic, the original entrance on the left having been blocked up. The whole gate stands well out from the main line of the wall and as a result presents the appearance of a tower from outside the walls.

DAMASCUS GATE

Known also as Bab el 'Amud, this gate forms the entrance into Jerusalem from the north. In appearance it is quite different from any of the others. The actual entrance is framed by two great towers which have the traditional machicoulis located on the inner angle of each tower. Here, however, the turrets are much larger and face in two directions covering the northern walls of each tower and the remaining area of the entrance into the city.

Recently while work was in progress in clearing some unsightly shops in the vicinity of the walls at this point the Department of Antiquities were able to carry out excavations on a modest scale at the base of the north-west tower. A trial pit

was dug against the west side of the tower at its junction with the city wall, and a fine moulded plinth was found, evidently of Roman date (2nd to 4th century A.D.). This belonged to a typical Roman gateway of the "triumphal-arch" type, with a large round central arch and two smaller ones on either side. One of these side arches survives below ground, and built into the wall above it are defaced fragments of a Latin inscription which may be of the time of the emperor Hadrian, by whom the City was re-established under the name Aelia Capitolina. This gateway appears to have been built on the ruins of a monument of Herodian times (1st century A.D.), to judge from some masonry resembling that of the Temple wall, which was found in position just in front of the oblique face of the western tower. In its present form the gateway is of the period of Suleiman the Magnificent (middle of the 16th century A.D.); retaining the outline plan of Roman, or even late Jewish times, it now has a single staggered entrance, the roadway of which is no less than 8 m. above the original level of the city. The approach to the gate has been gradually cluttered up with debris over the centuries by the frequent demolition of the city wall itself, thereby artificially raising the level of the surrounding terrain.

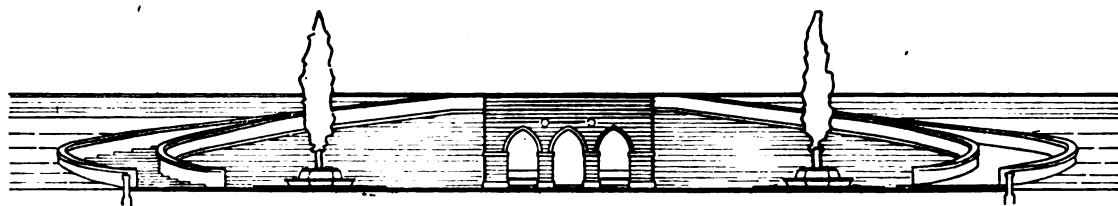
At the request of Government, the Government Town Planner was asked to collaborate with the Director of Antiquities in preparing a scheme for the eventual opening up of the original gate and for the layout of the square in front. A scale model was made of the existing gate and a measured drawing of the newly discovered masonry mouldings of the north western tower was used as the basis for a reconstruction of the gate as it probably existed in ancient times. Considerable difficulty was encountered in the preparation of this project owing to the fact that the levels of the Old City inside the Damascus gate and of the Jericho road could not be altered in any major degree. The Jericho road in this locality is some 8.50 m. above the present level of the Old City inside the gate, and it was necessary therefore to prepare a scheme which would bridge this gap. Reference to the plans will show the manner in which it is hoped to solve this interesting problem.

NEW GATE

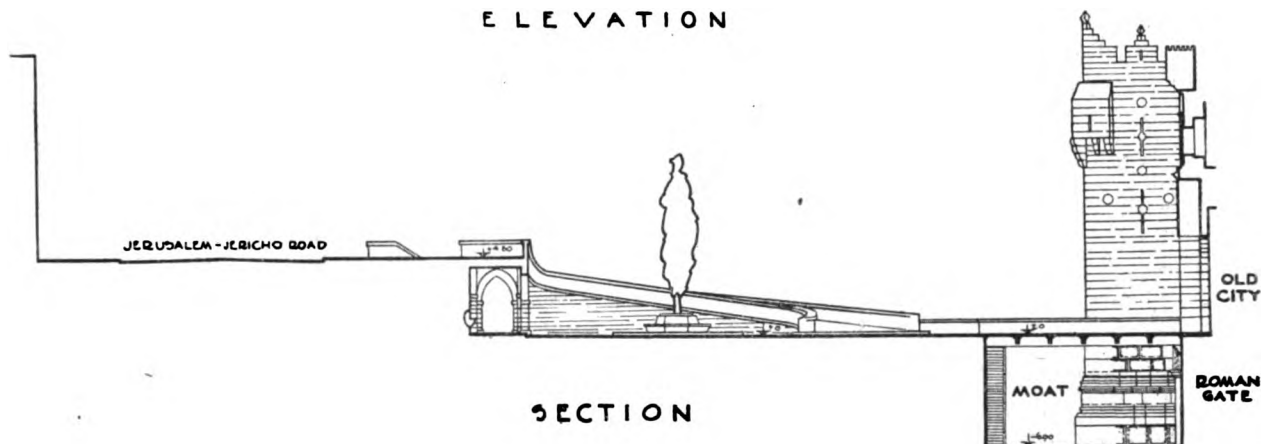
This gate, although it serves a very useful purpose by providing access to the Christian Quarter of the Old City from the new town, is of no architectural interest. It is simply a breach in the wall executed towards the end of the last century.

* See coloured illustrations.

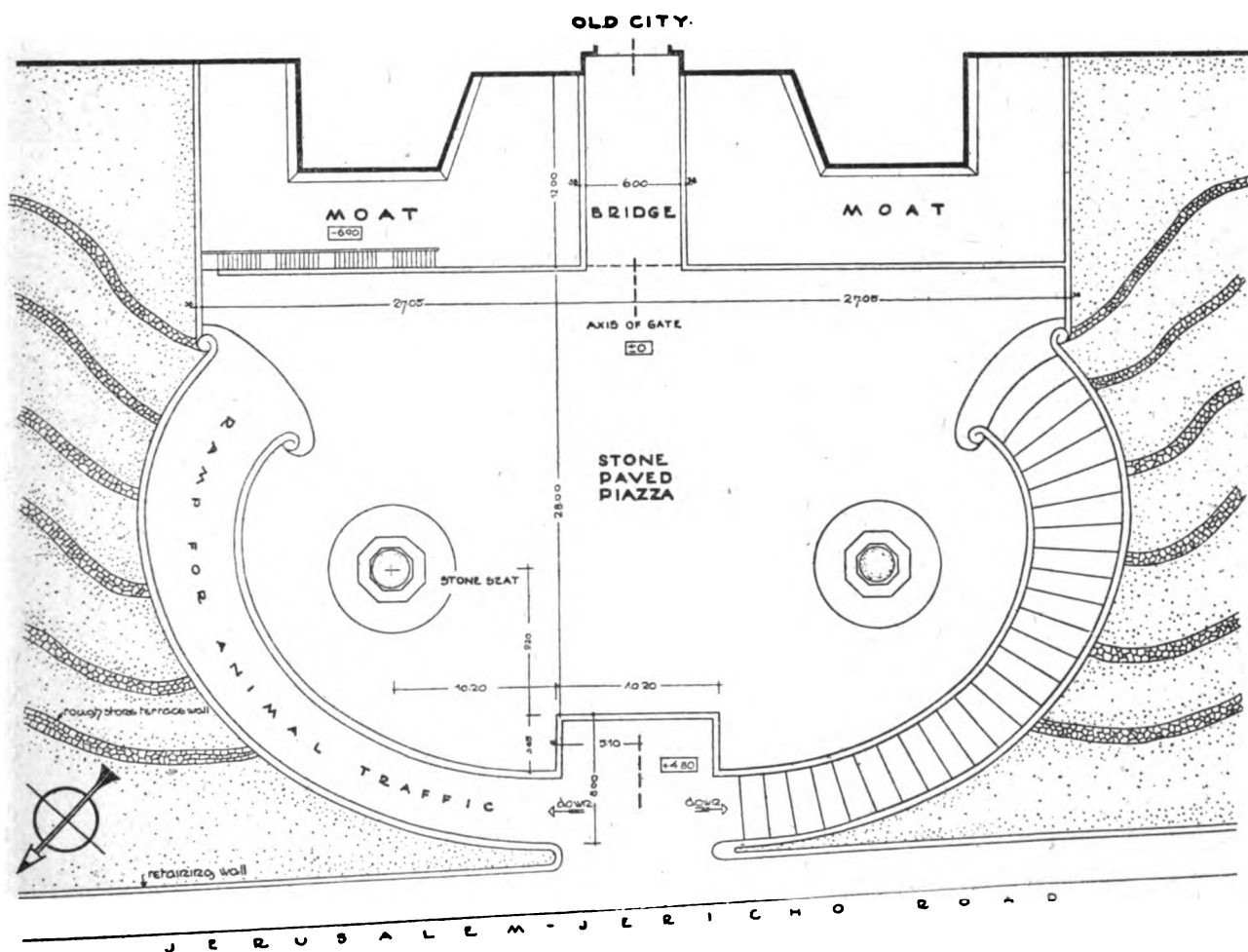
DAMASCUS GATE IMPROVEMENT SCHEME



ELEVATION



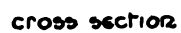
SECTION



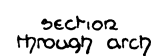
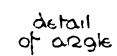
PLAN



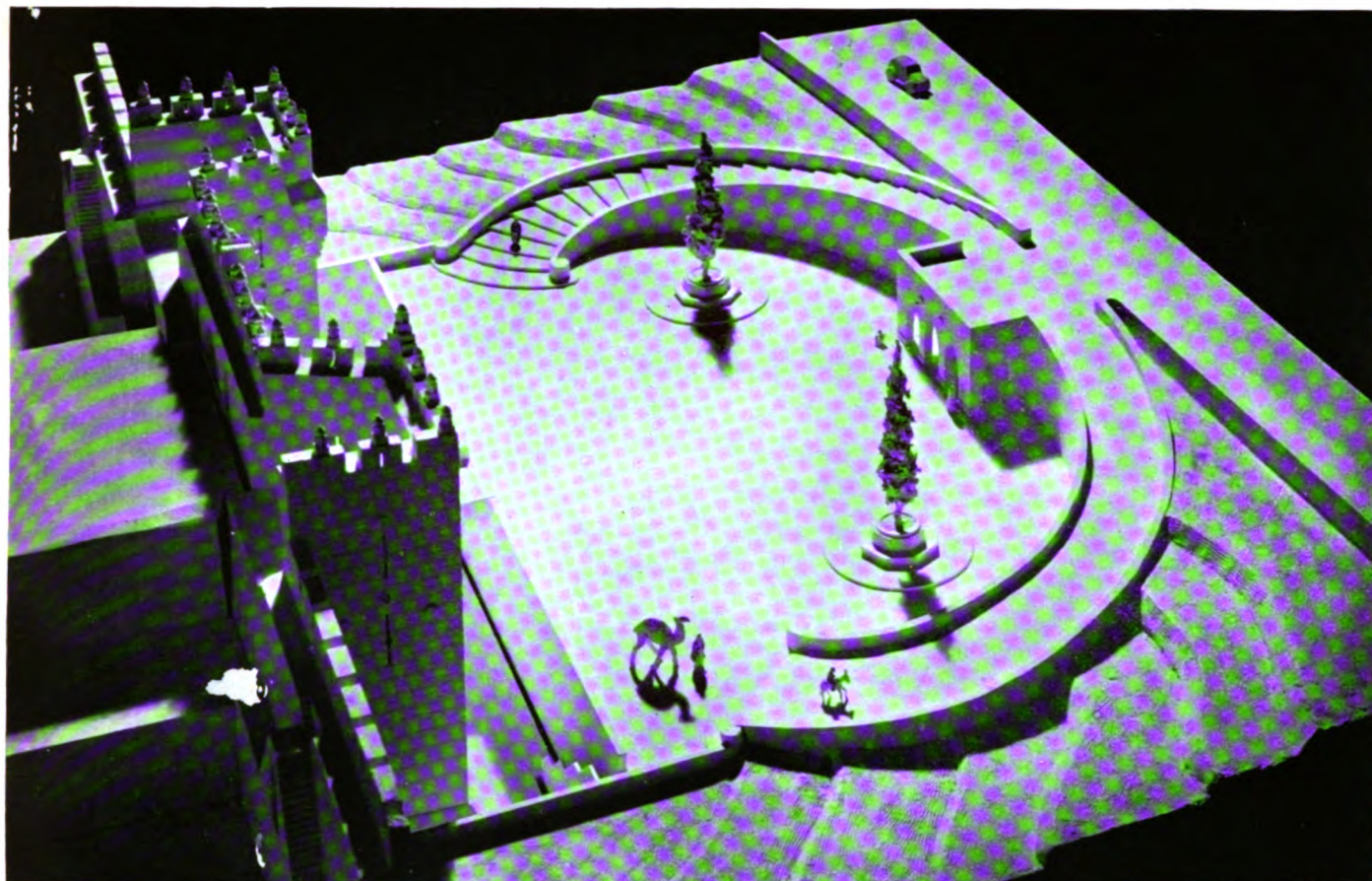
OCTAGONAL SEAT



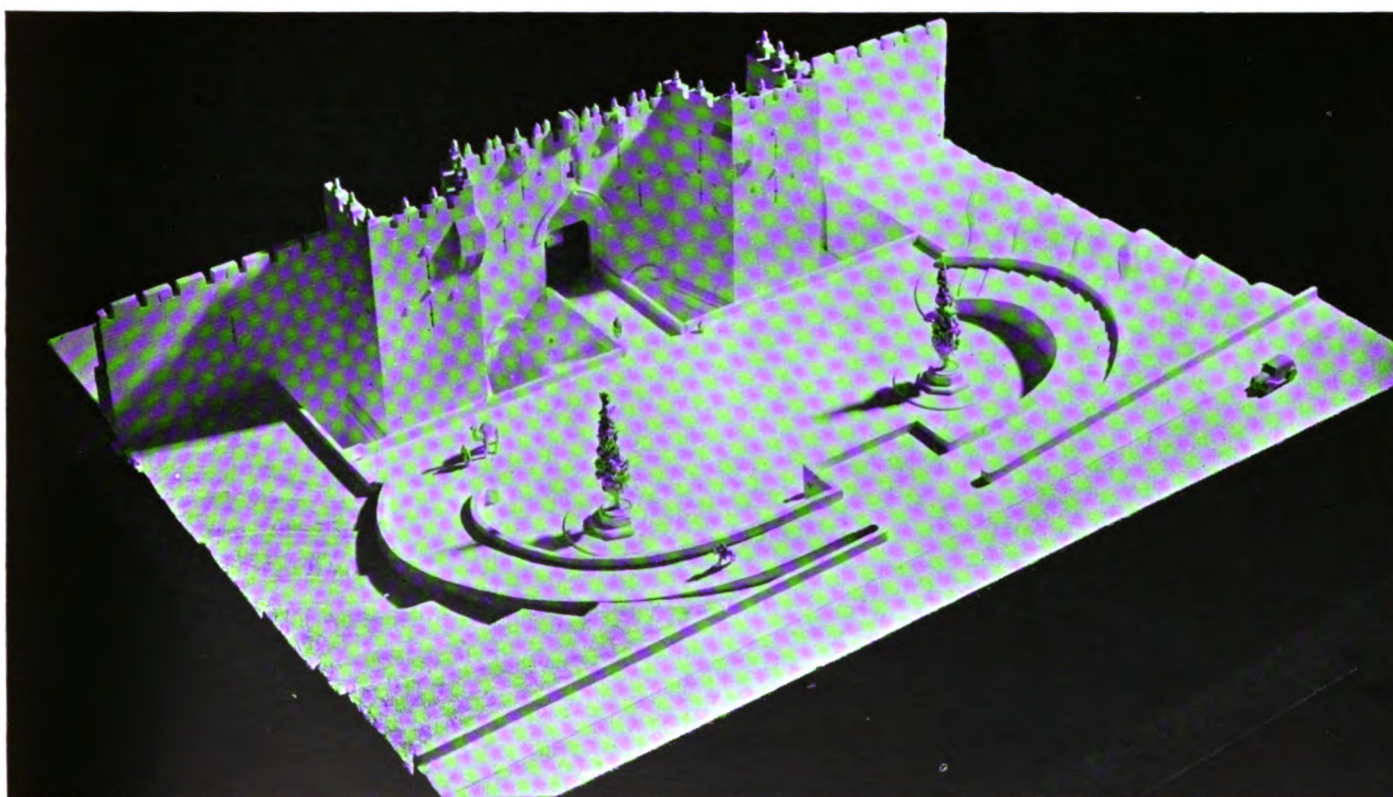
ARCADE



CROSS SECTIONS AND DETAILS



27



28

TWO VIEWS OF MODEL



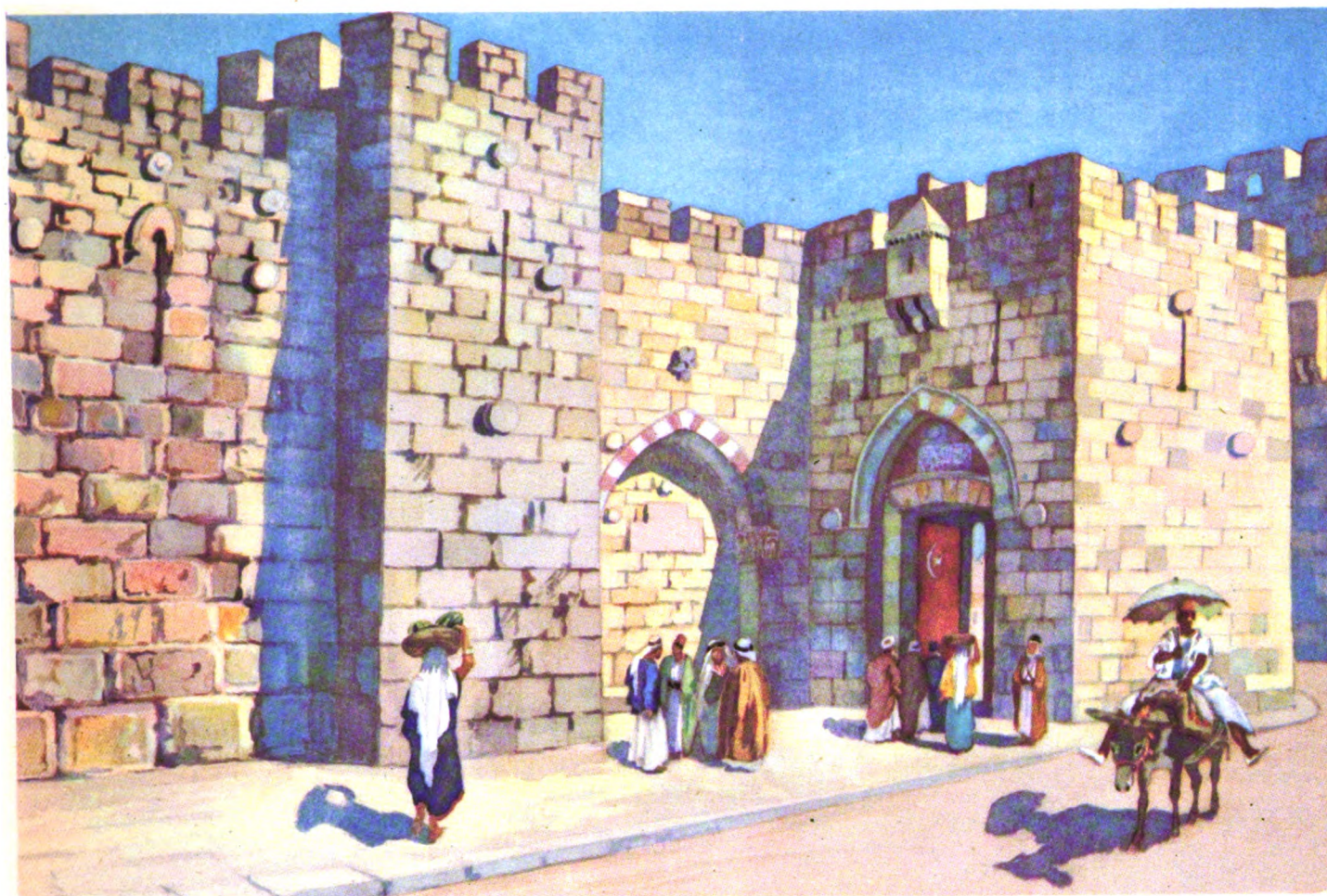
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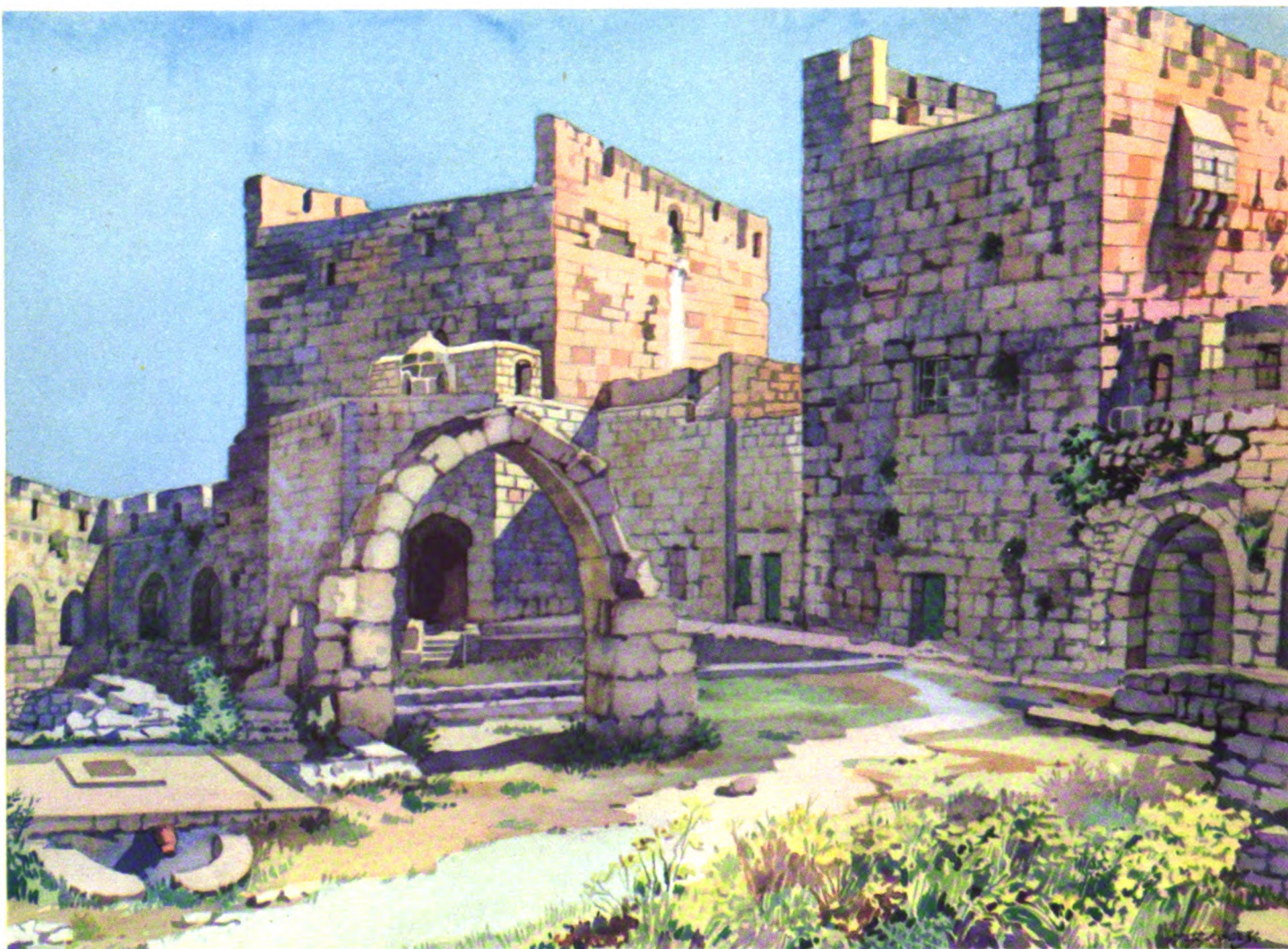
30

DAMASCUS GATE

- 27. Aerial view of model looking towards the main Jerusalem-Jericho road and illustrating ramp for animals and semi-circular steps for pedestrians
- 28. Another view of the model looking towards the gate and showing excavated moat and simple bridge connecting the piazza with the Old City
- 29. View of gate from the outside
- 30. Gate from the inside



JAFFA GATE



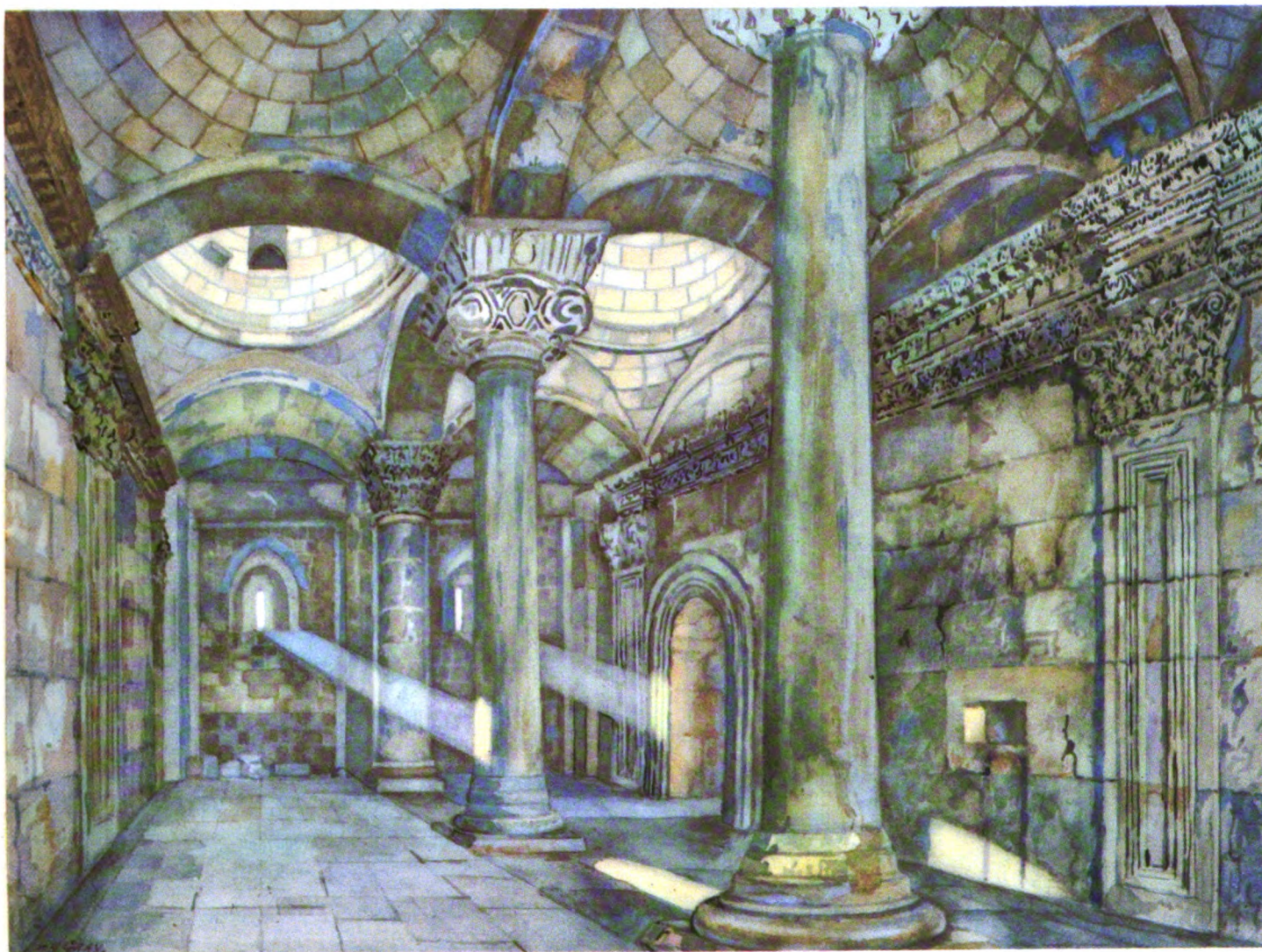
THE CITADEL



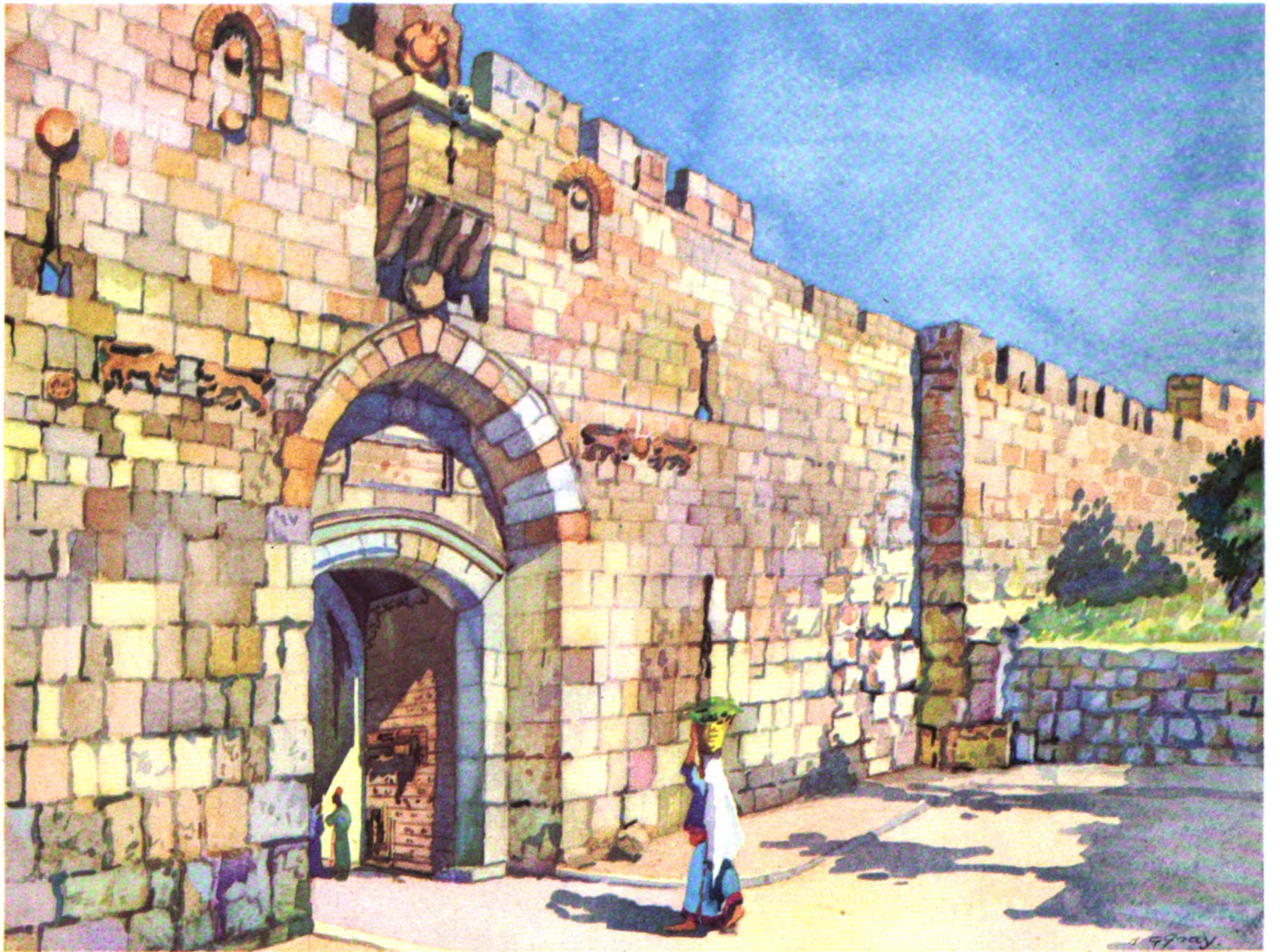
ZION GATE



DUNG GATE



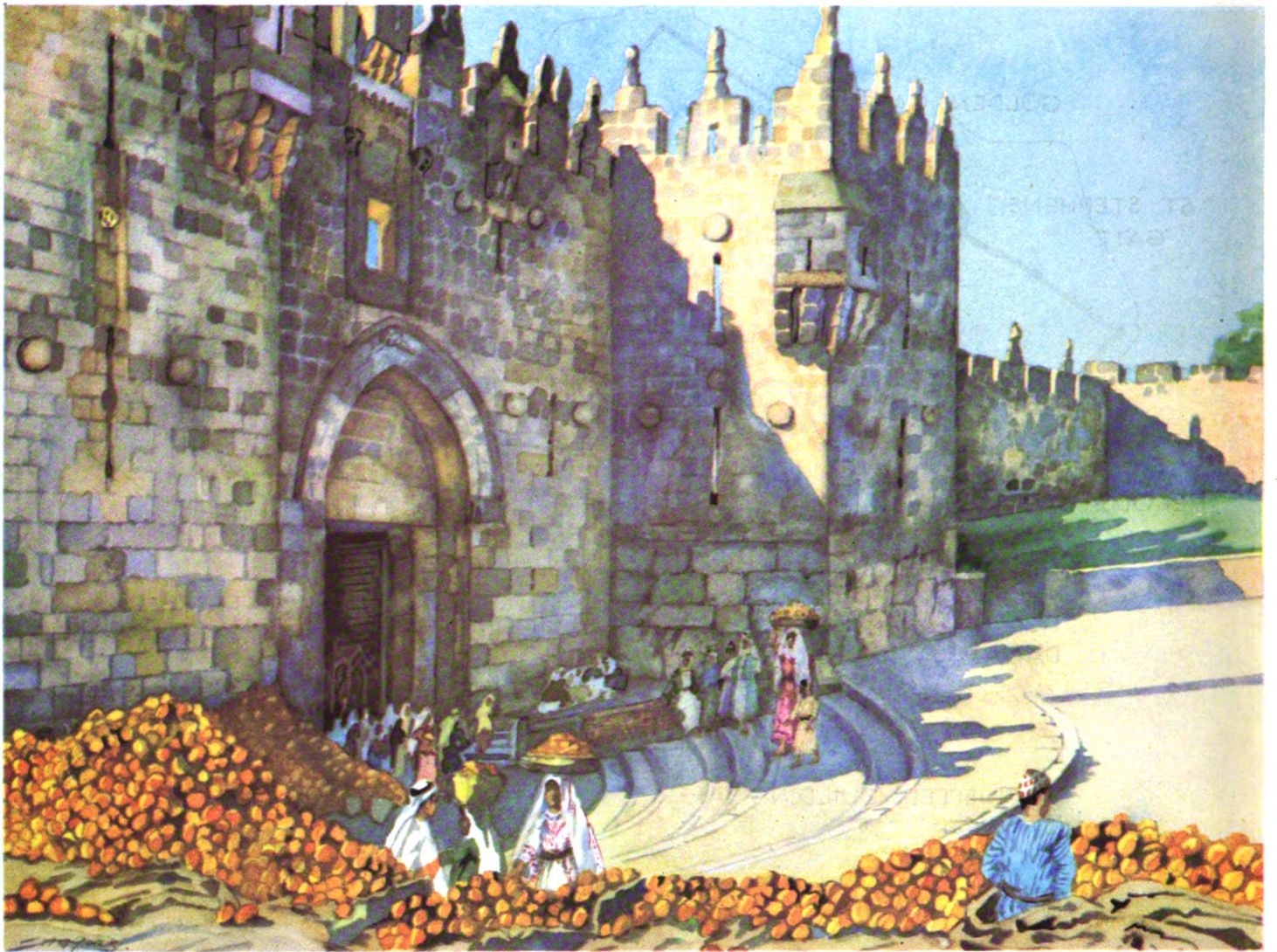
GOLDEN GATE



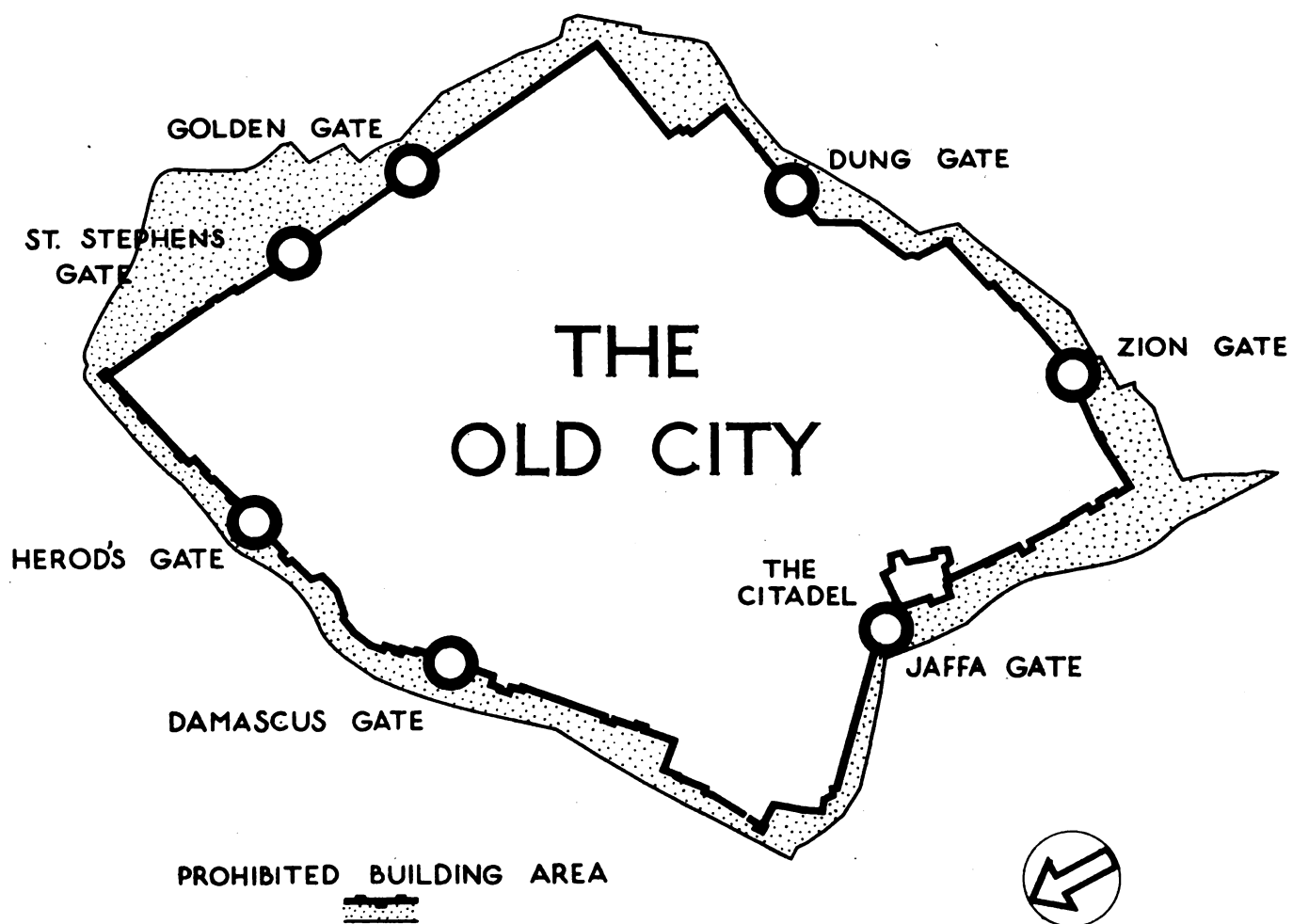
ST. STEPHEN'S GATE



HEROD'S GATE



DAMASCUS GATE



THE 1929 SCHEME

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THE 1929 SCHEME

Reference to the plan of this scheme will show the area of the green belt covered by the scheme. One of the main objects was to prevent further building activity in this belt around the city walls and, by zoning it as a proposed public open space, gradually to remove the existing buildings which obscure large portions of the ancient wall. Commencing from the Jaffa Gate, the boundary of the scheme follows the Jaffa road and continuing behind the old post office and including it, turns into Allenby Square. From there it continues in a north-easterly direction along the Jericho road to the Stork Tower in the vicinity of the Government Archaeological Museum. Thence, continuing southwards, the boundary skirts the Moslem cemetery to the east of St. Stephen's Gate and the steep land outside the city walls and the Golden Gate and the El Aqsa Mosque. A considerable area of land to the south of the Dung Gate and the Zion Gate falls within the boundary of the scheme. The large modern religious buildings existing to the south of the Zion Gate are omitted, but some of the cemeteries in this locality are included. To the west the scheme takes in all the steep land from the city walls right down to the existing metalled road running parallel to Birkat es Sultan.

The work accomplished in the preservation of the walls by the Pro-Jerusalem Society and the Department of Antiquities has been mentioned in a previous chapter. In 1936 Government decided to take further action with regard to the clearing of the unsightly shops in the vicinity of the Damascus Gate. With the collaboration of the local authority notices were served on the owners of these properties giving them ample time to find alternative accommodation. Expropriation proceedings were commenced and after a period of some months the buildings were demolished and owners compensated.

Since 1935 the local authority has gradually but steadily improved the appearance of the open spaces to the north of the city walls by tidying up the waste land and by removing shacks and preventing the re-erection of huts and unsightly structures. In 1937 considerable expenditure was incurred outside Herod's Gate where the dumps of heaped-up rubble were removed and a low stone wall constructed. This greatly improved the appearance of the approach to this gate, which previously had been so encumbered with debris that its apparent height was reduced, thereby adversely affecting the scale of the city walls themselves.

Soon afterwards the approach to St. Stephen's Gate was improved by lowering the level of the

road from its junction with the Jericho road to the gate itself. As in the case of Herod's Gate, it had been cluttered up with debris, stones and rubbish for many years, and the work of the local authority in this locality was much appreciated by all persons interested in the appearance of Jerusalem.

As a result of the fortuitous earth tremor in 1941 eight old shops immediately outside the Jaffa Gate were sufficiently badly shaken to enable the City Engineer* to examine them under the powers conferred upon him by the Municipal Corporations Ordinance and to declare them dangerous structures. Negotiations were immediately opened between Government and the owners for the removal of the shops and the expropriation of the land in accordance with the provisions of the 1929 scheme. As anticipated, considerable resistance was met, but eventually Government were able to proceed to the expropriation of this property and the local authority cleared away the shops, so revealing a fine strip of the city wall for over a distance of fifty metres. The ground was then levelled and planted out as a small formal garden. It is hoped in the not too distant future that action will be taken to implement the 1929 scheme by removing the existing old Turkish buildings from the Jaffa Gate right up to the former general post office.

Considerable criticism has been voiced by members of the public with regard to the filling up the moat area to the west of the Citadel. While the Pro-Jerusalem Society was in existence several solutions were proposed for this area, none of which have yet been put into effect. The authorities have by no means lost sight of the necessity for an improvement of this historic area and it is proposed to remove the present bus and car park to a more suitable locality away from the city walls.

In 1942 a special committee was convened by Government, which included representatives of all Departments concerned as well as His Worship the Mayor of Jerusalem, with the purpose of making recommendations as to the best methods of clearing encroachments to the City Walls and to provide for their proper care and maintenance in the future. Several meetings were held and detailed recommendations made as a result of which action was taken by the Local Authority to clear away many huts, sheds, etc., illegally erected in the vicinity of the walls. Funds were allocated by Government for the removal of these obstructions and the maintenance of the walls became a direct charge of the Department of Antiquities.

* Mr. A. K. Park, M.B.E., B.Sc., A.M.I.C.E.

CHAPTER IV

THE 1930 OUTLINE SCHEME

EARLY IN 1921 AND AS A RESULT OF THE ENCOURAGEMENT given by Allenby and his administrative successors a central town planning commission was set up and an Ordinance relating to town planning promulgated. Concurrently with the regular sittings of this Commission the Pro-Jerusalem Society was carrying out its work and appealing for funds to all branches of the population. Under the dynamic influence of Sir Ronald Storrs and his able advisers a great deal was achieved by this Society between 1918-26 especially in regard to the preparation of schemes for Jerusalem already referred to in the preceding chapters.

The 1918, 1919 and 1922 schemes had already pointed the way to the manner in which a complete town planning scheme for Jerusalem should be drawn up. In order not to impede the development of new suburbs, however, the Commission were obliged to consider in advance numerous detailed schemes for these quarters outside the Old City which were rapidly developing.

From now on the central commission had a busy time dealing with planning matters both technical and administrative, and as the years passed the necessity for co-ordinating all these detailed schemes into one skeleton or outline scheme became more pressing. In 1926 the Commission commenced working on a general road and zoning scheme after preparing numerous plans which formed a basic survey. The scheme was completed in 1929 and brought into force early in 1930. Reference to the plan will show that the main proposals regarding the prohibition of building in the Old City and the restriction on building in the Mount of Olives and nature reserves were generally maintained. The scheme was composed of detailed provisions and three plans indicating zoning, road proposals and an archaeological area. Of the plans the most important was perhaps the zoning plan for the areas lying north, west and south-west of the Old City. This plan made provision for orderly development by the demarcation of residential, commercial and industrial zones. The archaeological plan emphasized the necessity for all persons constructing buildings in this locality to conform to the Antiquities Ordinance. Building was permitted only under specific conditions.

Particular emphasis was made for the necessity of

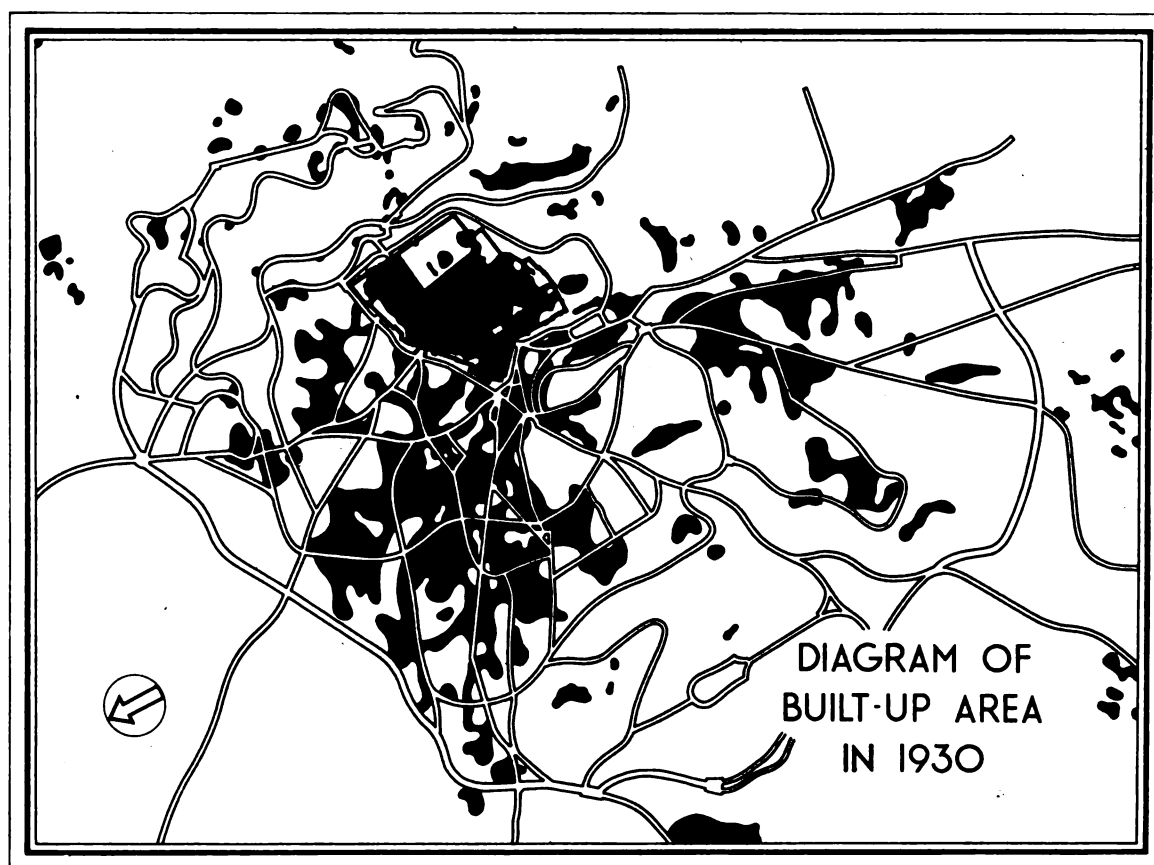
preserving the character of the Old City. In order to achieve this the provisions contained a special set of regulations echoing in great detail the original ideas which Allenby through Sir William McLean had expressed in the 1918 plan. The height of any new building was severely restricted to a maximum of twice the width of the public way upon which the building would abut. All buildings whether entirely new, and all additions or alterations were to be carried out only in stone. The use of corrugated iron was prohibited. Special powers were provided to enable the local authority to remove dangerous buildings or other buildings which had become offensive by reason of their neglect or decay. All plots of land unbuilt on at the time were shown as private open spaces and were not to be developed without the special consent of the local commission. Considerable care was taken to control the kind of trades to be permitted within the Old City. Industries such as pottery and tile making strongly encouraged by the Pro-Jerusalem Society were allowed.

In the new town, which covered an area some 17 times that of the Old City, a road network was planned and detailed provisions were made regarding their construction in the provisions of the scheme. No person was permitted to erect any building upon the site of a new road or road widening, and powers were given to the local authority to stop up or divert existing roads or pathways which did not fit into the general road network.

As far as the areas outside the Old City were concerned, the scheme was an important step forward in regard to the division of the whole town planning area into definite residential, commercial and industrial zones. In this manner an attempt was made which proved in succeeding years to be largely successful in fixing the character of various areas so that development could take place on pre-conceived lines.

Minimum sizes of plots were laid down into which any given area of land could be parcellated. Three residential zones were indicated with minimum sizes of 1,000 m²., 600 m². and 500 m². respectively. Density control was thereby established both by the declaration of minimum sizes of plots and the maximum permissible built-up area of each plot. Since 1930 it has been found desirable to amend the extent and details of these zones and

JERUSALEM (INDEX PLAN)



THE 1930 SCHEME

these changes are referred to in a later chapter. The height of buildings was also controlled and general building lines and set-backs were laid down for all zones.

The region of the Mount of Olives and also the areas to the east and south-east of the Old City which fell within the original Allenby restrictions were crystallised in the zoning plan as nature reserves. The only buildings allowed in this zone were public and religious buildings with the special approval of the Central Commission and buildings incidental to the agricultural or horticultural use of the land. Some provision was made for public open spaces although the prohibition of building on these areas was not clearly defined.

There can be little doubt that by 1929 the Central Commission and all persons interested in the appearance of Jerusalem were impressed by the inadequacy of tree planting generally. Accordingly damage or injury to any tree planted on any road was deemed to be a contravention of the scheme, and in addition groups of trees had to be preserved and their cutting down was prohibited. The general appearance of the rapidly developing quarters of the modern town must also have been a matter of concern to the authorities since provision was included in the scheme for the setting up of a committee to control design which was defined as any matter "relating to appearance, choice of material or manner of construction of any building."

Commercial zones were indicated in the plan of the scheme and considerable density permitted as regards area of the plot to be built on. A high maximum height of building was allowed. Subsequently it was found that this maximum height for commercial areas was excessive and as a result of general criticism against numerous buildings constructed to this maximum height a considerable reduction was made in the provisions of the 1944 scheme.

Unfortunately the 1930 scheme had in it certain inherent defects which only came to light many years after the scheme had been put into force. Certain stretches of land demarcated as far back as 1919 for open spaces of various categories were re-zoned for residential development of a dense character. The beautiful tree-covered slopes to the north of Schneller's Orphanage which in the 1921 plan were indicated as a public open space was re-zoned for development in the 1930 scheme. Areas adjoining this locality to the north-west of Jerusalem and falling almost within the confines

of Lifta village were also zoned for residential development although in point of fact these areas are even today semi-rural in character.

In 1941 the attention of the authorities was drawn to the danger of the residential zone "B" in the scheme becoming overcrowded. This zone covered by far the greater proportion of land under actual development. Land was divided mathematically into plots 600 m². in area, and with the high maximum percentage permitted for buildings, large apartments of 200 m². or more in floor area were constructed. It was pointed out that if nothing was done to remedy the defects of this zone the following adverse conditions would result :

- (a) general overcrowding over the whole district,
- (b) complete disappearance of private gardens since this maximum development allowed only a narrow yard all round the building,
- (c) the creation of a noisy neighbourhood,
- (d) lack of privacy and general loss of amenities.

It is presumed that those responsible for the drawing up of the conditions of the 1930 scheme visualised the area of 600 m². as a minimum curtilage and had no doubt anticipated that a considerable number of plots would be far in excess of this minimum. In a similar manner there can be little doubt that the maximum percentage of land to be built on was fixed at 30% principally to meet the special cases of persons desiring exceptionally commodious apartments since architecturally speaking a house of a 150 to a 180 m². in area is ample for the normal requirements of most families in Jerusalem.

A contributory factor to overcrowding in this residential zone was to be found in the lack of open spaces. Little attempt appeared to have been made by the local authorities to obtain areas of land which could be usefully converted into children's playgrounds, although under section 27 of the Ordinance in force full powers were given for as much as 25% of the area of any plot to be taken without compensation for roads, playgrounds and recreation grounds. It was stressed that although 30% or more of any given area is usually required for these purposes it is still possible to plan a residential neighbourhood reducing the area of land to be taken for roads by the elimination of unnecessary roads, and to concentrate on using as much as possible of the "free" area for playgrounds and public open spaces. All these matters convinced the planning authorities that the time had come to prepare an amended scheme for Jerusalem.

CHAPTER V

THE 1944 SCHEME

COMMUNICATIONS AND ROAD NETWORK

FOR ALL PRACTICAL PURPOSES JERUSALEM, SITUATED as it is at an altitude of 2,500 feet in the Judaeen hills, is dependent primarily for communications on its roads. As already mentioned, there is a railway which is used for transport of heavy goods as well as for passengers. A third form of communication growing in importance year by year is air transport, although in this respect Jerusalem is likely to remain badly served since Lydda airport, 30 miles away on the plain, is in reality its only major air link. Owing to the nature of the surrounding mountainous countryside it has so far proved almost impossible to build an airfield of generous dimensions in the immediate vicinity of the city. As stated in an earlier chapter the nearest landing ground is situated at Qalandiya on the main road to Haifa some 10 kilometres from Jerusalem.

In the road plan of the 1944 scheme three types of roads are indicated :

(1) arterial roads ; (2) main roads ; (3) developmental roads.

The arterial roads are indicated by a strong black double line and are five in number :—

- (1) The Jaffa - Tel-Aviv road linking Jerusalem with the coast ;
- (2) The Haifa road leading northwards through Nablus and Jenin to Haifa and the north ;
- (3) The Hebron road which leads through Bethlehem to Hebron and from there links up Southern Palestine with Egypt ;
- (4) The Jerusalem-Jericho road which after passing through Jericho crosses the Jordan River at Allenby Bridge and then serves Trans-Jordan.
- (5) The proposed ring road some sections of which are already constructed.

Reference to the traffic census diagram shows that by far the greatest number of vehicles use the western approach to Jerusalem from the coast. Second in importance as regards vehicular traffic is the Haifa Road. The Hebron road carries a considerable amount of pedestrian traffic to a correspondingly small number of vehicles of all kinds. Apart from the heavy use of the Jericho road by the Palestine Potash Company's trucks, the major portion of ordinary vehicle traffic on this

road comprises cars and buses travelling to Jericho and Trans-Jordan.

(1) JAFFA - TEL-AVIV APPROACH ROAD

A serious effort is being made to improve the Jaffa - Tel-Aviv approach road to Jerusalem. Although the local authority has gradually widened and replaced the old cobbled street which existed within the town boundaries until 1936 by an imposing asphalt road with a 15 metre carriageway and 5 metre stone pavements it is regrettable that this improvement has not yet been extended up to the outskirts to Jerusalem and at present only reaches to the municipal boundary. This road follows one of the traditional entries to Jerusalem and from above the village of Lifta* continues in a fairly direct line to the Jaffa Gate and the Citadel. During its course it passes through the most important commercial and business sections of the town. It is interesting to note in passing that the old Roman road was situated further south of the present road and ran through a steep valley before finally joining the present road at the entrance of the town. Like so many an approach to the comparatively modern section of a town the western end of the Jaffa road straggles through a partly built-up locality and provides frontage to some buildings which fall within a reconstruction area and which are ripe for demolition. It is only after this road has intersected King George Avenue that it assumes a civic character. During recent years the planning authorities have made various attempts to impose a unified architectural design for buildings which will abut those sections of the road which are as yet undeveloped.

It is fortunate that considerable stretches of the land abutting the road are owned by individuals and companies and have wide frontages. Coupled with this fact must be borne in mind the additional powers proposed by the new Ordinance with regard to the control of design and it is hoped that the local authorities will achieve in collaboration with competent persons a more satisfactory type of architectural expression for buildings in the unbuilt-on gaps through which this road passes than has

* See photographs in Chapter I which illustrate the approaches to Jerusalem from the four principal points.

JERICO

ROAD PLAN

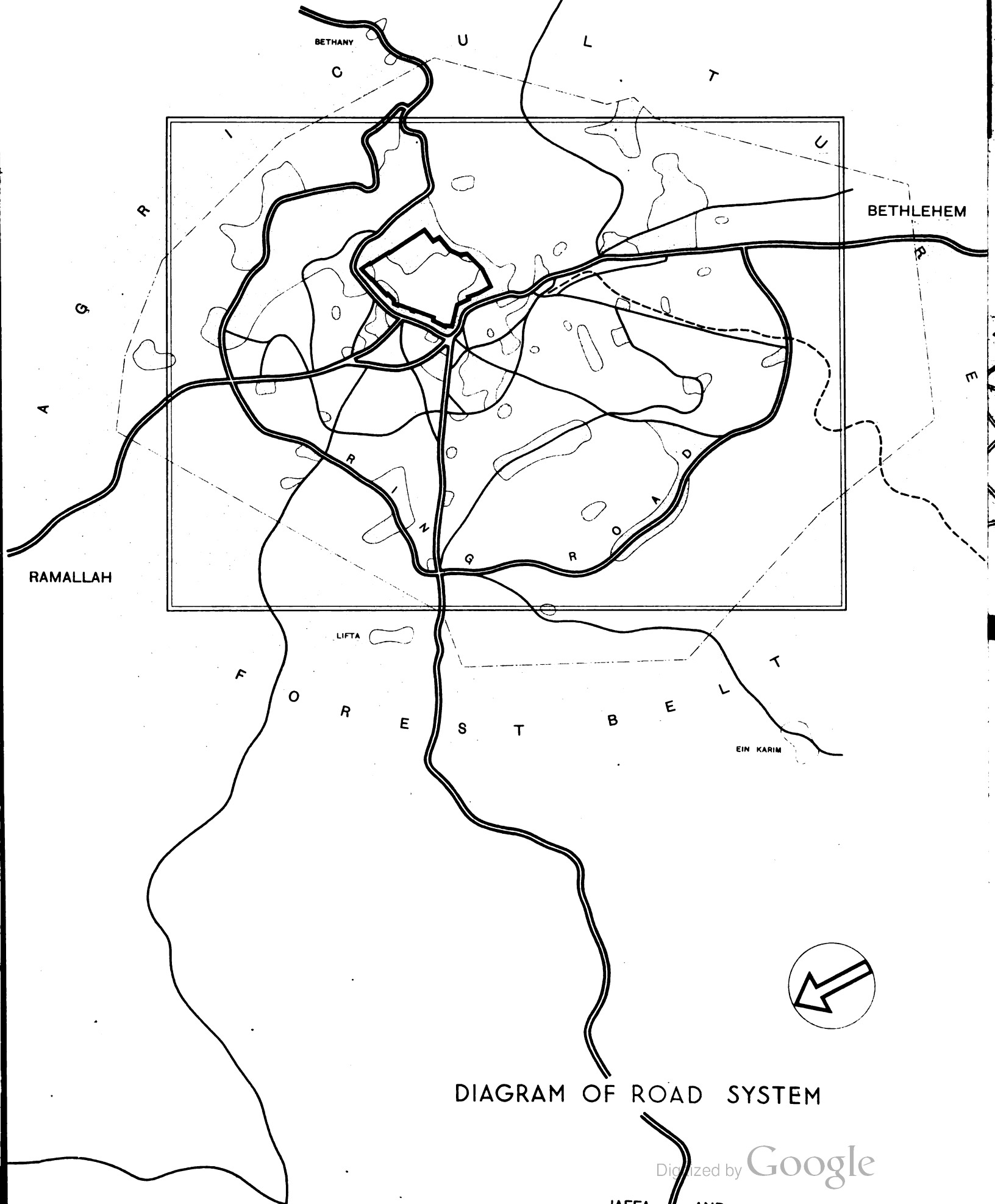
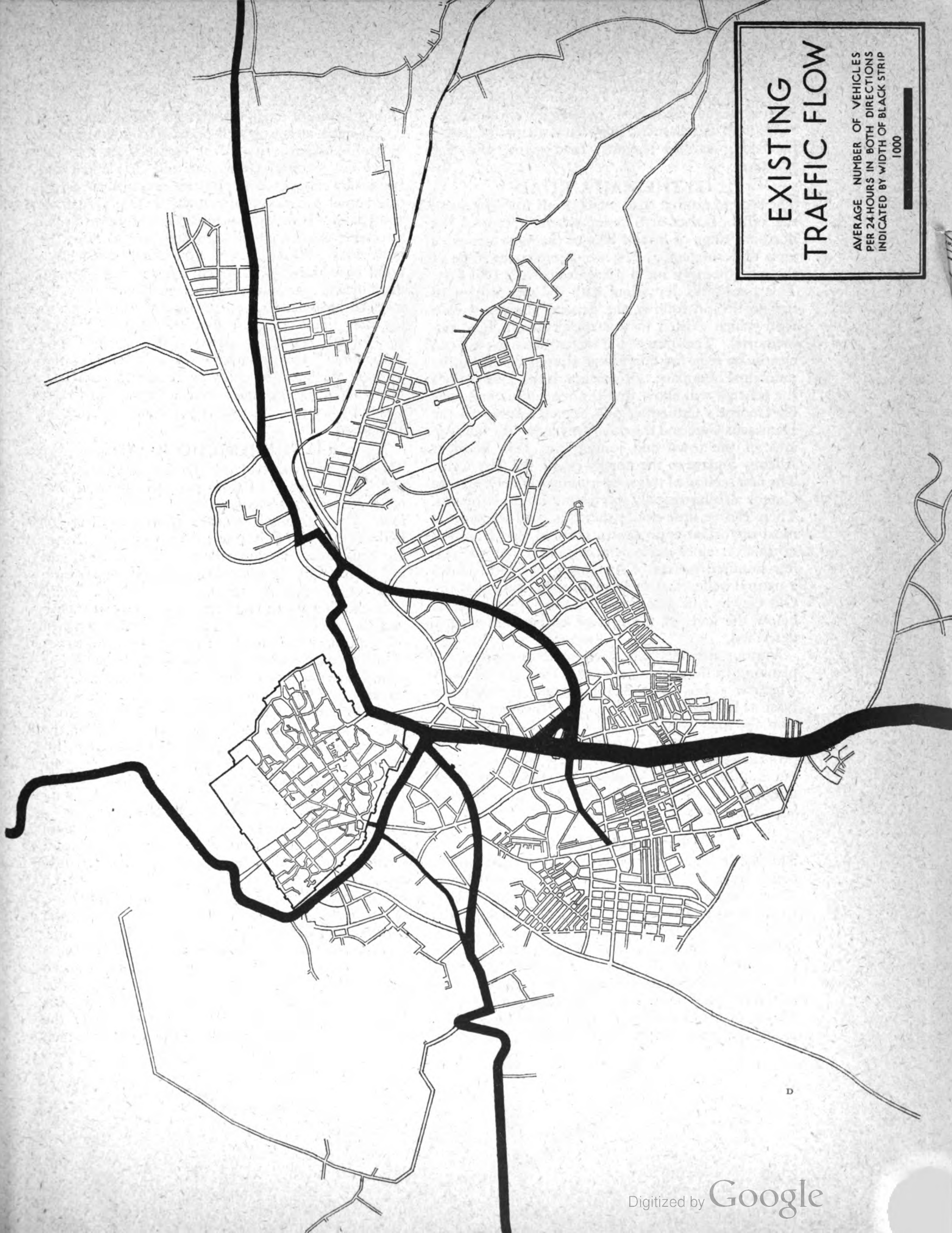


DIAGRAM OF ROAD SYSTEM

EXISTING TRAFFIC FLOW

AVERAGE NUMBER OF VEHICLES
PER 24 HOURS IN BOTH DIRECTIONS
INDICATED BY WIDTH OF BLACK STRIP
1000



been achieved in the past. Generally speaking the road still lacks such important items of town furnishing as bus shelters, road signs, and tree planting.

(2) THE HAIFA ROAD

The second arterial road which leads to Nablus and the north, boasts at a point where it crosses the northern ridge of Mount Scopus the most attractive view of Jerusalem, a view which embraces some of the new quarters and a great deal of the Old City. This road links Jerusalem with the main towns of the north and follows the general alignment of a road which existed in this locality from time immemorial. The trace of the ancient Roman road can clearly be seen for quite long stretches outside the municipal boundary. Reference to the road plan of the scheme will show that the road bifurcates near St. George's Cathedral, one branch leading to the Damascus Gate and the other traversing the built-up area of the town and joining the Jaffa Road at Allenby Square to the northwest of the City walls. The first section of this road leading to the Damascus Gate is also historically interesting in its alignment. There can be little doubt that this road formed the most important approach to the Old City from the north ever since Jerusalem existed. For the last few hundred metres of its length the road follows a natural valley and in Roman times it entered the Old City by this gate in a cleft some 8 or 9 metres below the level of the present entrance as already described.

Various attempts have been made to approve the planning of the alignment of this road at that point where it forms an S bend passing through the Nashashibi Quarter. Although still under discussion, the road plan illustrates a general straightening of this section of the road down the hill. This proposal if carried out will imply a considerable building up of the road for a stretch of some hundred metres or so, in the form of a viaduct where it crosses the valley.

(3) BETHLEHEM ROAD

The third important arterial road is that which comes from the south of Palestine leaving Bethlehem 10 kilometres behind, winds its way among the hills to the south and finally enters the Old City at the Jaffa Gate. The alignment of this road closely follows ancient tracks which lead from the south to the Old City at this point. After the road passes Deir Abu Tur it drops steeply in the neighbourhood of the Hospital of St. John of Jerusalem, crosses the Valley of Hinnon over a viaduct and then clings along the lower slopes of the western wall of the

Old City until it finally reaches the Jaffa Gate. It is hoped more attention will be paid to this fine road by the local authority in the future since it is the direct link between Jerusalem and Bethlehem and is used by thousands of pilgrims and visitors on all ceremonial occasions, principally during Christmas and Easter. It should be treated as a boulevard with a suitable cross section and ample tree planting on both sides. Along its way southwards it reaches a point near Mar Elyas Convent where from a spur a magnificent panorama is obtained not only of modern Jerusalem but of the Mountains of Moab to the east. This is the view which was made famous by Holman Hunt, the artist, in his picture "The Scape Goat" and a memorial seat exists at this point to mark the spot to which he became so attached. Incidentally the seat is situated at the southern-most extremity of the present town planning area of Jerusalem.

(4) THE JERICHO ROAD

The fourth arterial road links Jerusalem with Jericho and Trans-Jordan. This is perhaps the most dramatic road from a scenic point of view in all Palestine. Approaching Jerusalem from the village of Bethany the visitor is able to enjoy an ever changing panorama. Fortunately the views to right and left are completely unspoilt for there are no ugly commercial signs or temporary buildings. Soon after entering the town planning boundary a superb view is obtained of the village of at Tur perched on the top of the Mount of Olives with the tower of the Russian Church dominating the scene. The climax is reached before the road descends to Gethsemane. At this point the most impressive angle of the City walls is revealed, the Dome of the Rock and the Aqsa can be seen in their setting within the Haram area backed by the mass of buildings forming the Old City, and far away in the distance the suburbs of the modern town.

(5) THE RING ROAD

The fifth arterial road in the plan encircles Jerusalem and is known as the ring road. Starting at a point south of the suburb of Talpiyot this road when fully constructed will form a magnificent parkway which will cross the Jaffa and Haifa roads and finally drop down to the lower level of the Jericho road past Gethsemane and back into Jerusalem. Considerable sections of the road are already completed and it is hoped every endeavour will be made to press ahead with the construction of the remaining sections. From its junction with the Bethlehem road this boulevard is planned to follow the course of the valley skirting on its way the fine spur on which

ESTIMATED TRAFFIC
DENSITIES

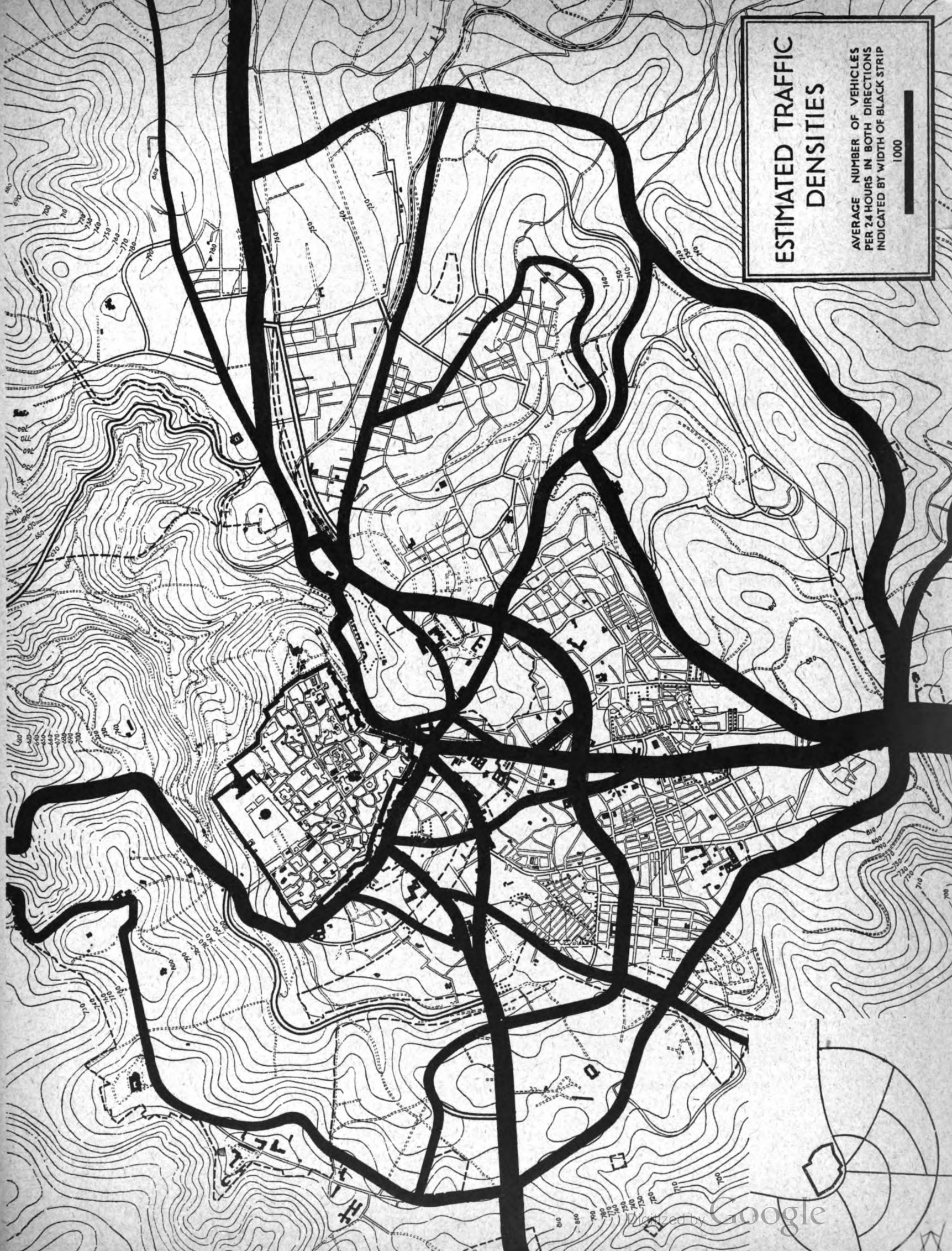
AVERAGE NUMBER OF VEHICLES
PER 24 HOURS IN BOTH DIRECTIONS
INDICATED BY WIDTH OF BLACK STRIP

1000

ESTIMATED TRAFFIC
DENSITIES

AVERAGE NUMBER OF VEHICLES
PER 24 HOURS IN BOTH DIRECTIONS
INDICATED BY WIDTH OF BLACK STRIP

1000



the upper portion of el Qatamon is located. Continuing northward it follows the curve of the valley and for a small section is enclosed by hills on either side. The prospect opens up when the region to the west of the Monastery of the Cross is reached. Here a fine park is proposed and the ring road will skirt its western boundaries. For the next 3 kilometres the ring road traverses a large olive grove; it then climbs and finally reaches the Jaffa road in a monumental square suggested details of which are given in the diagram on page 31. To the north of the square the road leaves behind the Jewish home for the aged and then traverses high ground where a magnificent view is obtained of an Nabi Samwil village whence Richard the Lion Heart is reputed to have obtained his first glimpse of the City of Jerusalem. Clinging to the top of the hills the road makes its way through the Schneller quarter skirting the fine group of buildings and crosses the subsidiary road to the village at a point west of the historical site of the Tombs of the Judges. Continuing on its way it passes the Government Police Depot and gradually rising crosses the Haifa-Jerusalem road from which point a superb view of both the Old City and modern Jerusalem is opened up. Continuing eastwards the road then passes the notable entrance of the Imperial War Graves Cemetery which shelters the remains of all those who fell in the 1914-1918 war in this part of the world, the land having been donated by the people of Palestine. After passing the cemetery the future road will leave the crest of Mount Scopus and will follow the contour to the south of the Hebrew University Centre. For some considerable stretch the cross section of the road in this locality will be in two distinct parts (with one way traffic) and with adequate pavements and seats for pedestrians enable them to enjoy the panorama view of the Old City, the Garden of Gethsemane and the Mount of Olives. Soon after leaving the cemetery and for its whole length until it reaches the top of the Mount of Olives at at Tur village above the Garden of Gethsemane the ring road will form the eastern boundary of a nature reserve. This nature reserve it will be remembered is the expression of one of the original ideas of the late Lord Allenby and its suggested preservation from undesirable building activities has already been explained in preceding chapters. The authorities have under consideration the treatment of this locality as a fine park. A few points will be selected for formal treatment but the remainder will be planted and left in its natural state.* It will of course require to be terraced in order to prevent further soil erosion and goats and other

grazing animals must be kept out of it. Considerable planting must also be undertaken and it is presumed that the trees in the main will be olives and cypress. Numerous woodland paths will traverse this nature reserve which when fully planted and treated should form one of the most striking amenities of Jerusalem.

Near at Tur village there is a remarkable view of Trans-Jordan, the Dead Sea and the intervening desert. The land drops steeply to the east and then rapidly become more and more barren. After leaving at Tur village the ring road winds in and out amongst the valleys and dropping steeply joins the Jericho road some three kilometres outside Jerusalem. From this point it is possible to return to Jerusalem via the Jericho road and the Kidron valley.

MAIN SECONDARY ROADS

The second type of roads illustrated on the plan are those shown in red and are the main secondary roads. The first leads to the village suburb of Beit hak Kerem which was planned soon after the occupation and which is now very largely built up. The second is still a proposal and when constructed will link the Jaffa road with the residential quarters of Rehavia and Qatamon. The third is known as the Gaza road and is constructed for about half of its length. This main secondary road follows an ancient track along the bottom of the valley. As planned it will link the ring road with all the development areas near the ring road to the centre of Jerusalem crossing King George Avenue to the southwest of the Mamillah Cemetery. The fourth is still only partly constructed and will link the village of Beit Safafa with Jerusalem in the vicinity of the railway station passing through the Greek and Templar colonies. The next main road (the fifth) is fully constructed and links the Templar colony and al Bag'a with the town from the south. The sixth main secondary road connects the residential suburb of Talpiyot with Jerusalem while the seventh which is only partly indicated on the plan, will form a by-pass to the area south of Jerusalem from the Jericho road. The eighth secondary road skirts the Musrara Quarter to the north of the Old City and the next is an important road connecting an Nabi Samwil and other villages to the north of Jerusalem. This road is constructed along its whole length. The tenth is by its very nature an inner ring road linking up the various quarters to the west and south-west of Jerusalem; commencing in the vicinity of the railway station where it is known as King George Avenue, it moves north-

* See perspective of proposal indicating terracing and tree planting.

wards through the best residential quarters of the town and crosses the Jaffa road by which time it has reached a dense commercial area. It then continues in a northerly direction crossing the densely built-up residential quarter of Beit Israel and joins the an Nabi Samwil road. The eleventh is known as the Street of the Prophets and forms a useful link between the Jaffa Road and Damascus Gate. The twelfth is a link between the centre of the town and the Railway Station and is known as the Princess Mary Avenue for the first portion and Julian's Way

for the remainder. Along both roads are situated high class commercial hotels and public buildings.

DEVELOPMENTAL ROADS

The third type of roads indicated on the plan are those shown in grey which form part of numerous approved detailed schemes and may be classed as developmental roads. Only a few of these roads have been indicated but it is stressed that even these are by no means all constructed and asphalted.

CHARACTER, HEIGHT AND DENSITY ZONING

In the 1944 Scheme an earnest attempt has been made to obtain a tighter control than was hitherto in operation over the development of the new town as regards character, height and density zoning.

CHARACTER ZONING

Reference to the zoning plan and to the provisions of the scheme* will indicate that as regards character zoning the area is divided into residential zones of various types, commercial and industrial zones and a special nature reserve area. In addition the scheme provides for the erection of buildings of a particular character on special sites. The residential areas are split up into no less than six zones in this category. In the neighbourhood of Government House the scheme provides for a minimum curtilage of plots to be 2,000 m². or half an acre. This zone is of a special character since the authorities desire to see only first class buildings constructed within large gardens in this locality.

The second and third types of residential zones provide for a minimum curtilage of 1,000 m²., the main difference between the two zones rests in the fact that an additional flat is permitted in buildings in the third zone. These two zones cover land which in the main is not yet built on and which is situated principally to the west and south of Jerusalem. In the fourth and fifth residential zones land owners are obliged to parcellate their land into plots not less than 750 m². in area. This residential zone covers by far the largest built-up residential quarters of Jerusalem. It takes in the whole of the land to the west and south of the Old City and it is here that the greatest building activity has taken place within the last 10 or 15 years.

The sixth residential zone is situated close to the commercial quarters of Jerusalem west of the Old

City. Here the use becomes slightly mixed, business and commerce with residence, and the minimum plot area is 500 m². Although classed as a residential zone many of the separate quarters falling within it are semi-commercial in character.

The commercial zones are located along the principal approaches from the north and west as well as in the region some two kilometres west of the Jaffa Gate. A very large section of the area covered by this zone is already built up, and the buildings are in various stages of completion.

Two areas are zoned for industrial purposes to the north and south-west of Jerusalem. These contain a certain number of industries but they are as yet very largely undeveloped. Those trades and industries such as Jerusalem possesses are located mainly at present in the commercial zones or in the Old City itself.

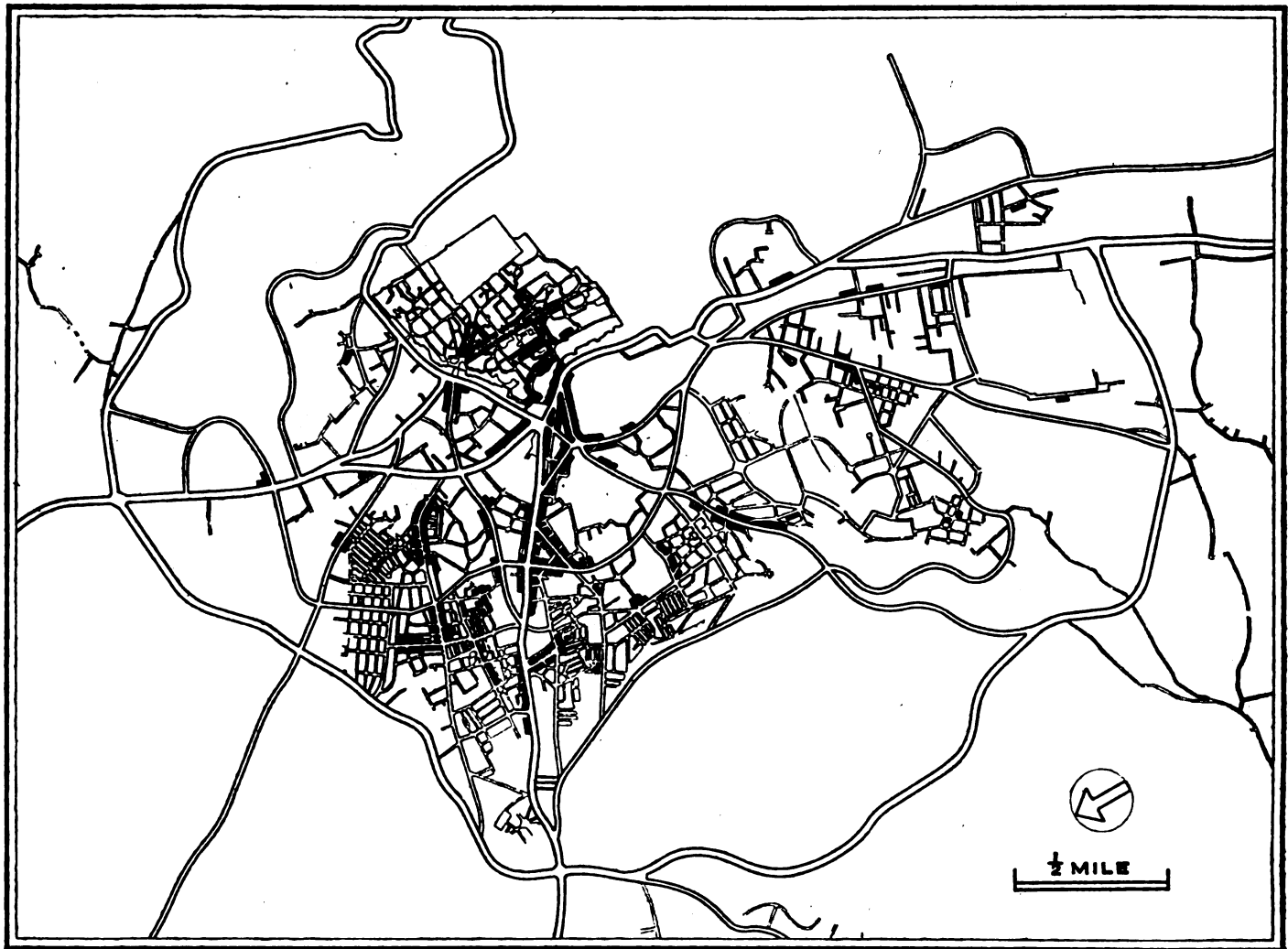
The scheme also makes provision for a large nature reserve covering the Mount of Olives and parts of Mount Scopus thus incorporating the original restrictions laid down in the 1918 scheme though somewhat modified in extent.

A considerable amount of land has also been set aside for public open spaces, recreation grounds and private open spaces, throughout the area.

HEIGHT ZONING

The scheme makes very careful provision regarding the maximum height of buildings permitted in any particular zone. In the 1930 scheme a height of some 25 m. was permitted in the commercial areas. From experience it has been found that this height was excessive and a definite tendency was observed for a few buildings to be constructed to their maximum height leaving awkward architectural blank spaces in between. While the 1944 scheme

* See Appendix I.



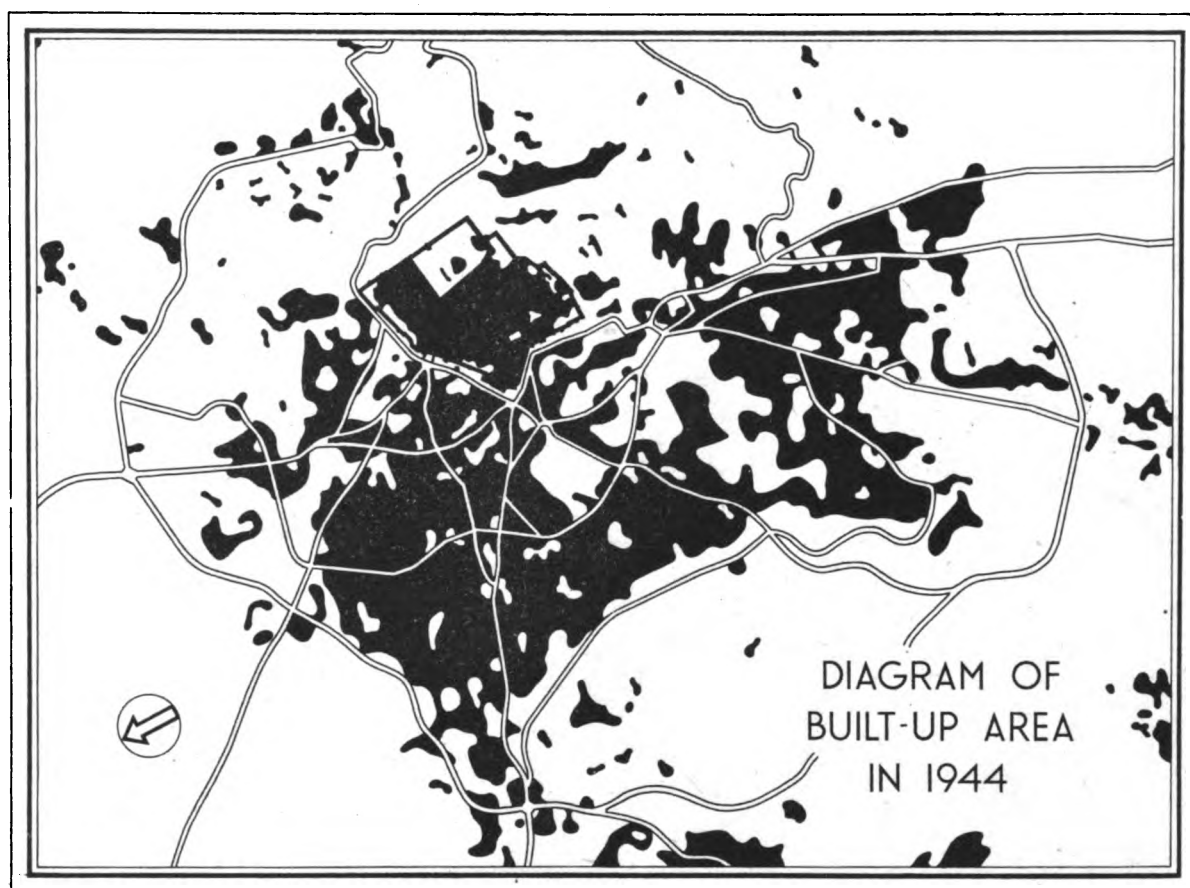
EXISTING COMMERCIAL ZONES

was under consideration, the planning authorities were of the opinion that if a reduced height was permitted in commercial zones there would be a tendency to build more buildings and to cover the ground at a quicker pace thereby giving the city a more completed appearance. Accordingly a maximum height of 15 m. (or three storeys) was laid down for all commercial buildings. Powers exist for buildings to be constructed to a greater height if the proposed building is to be erected on a plot which has high buildings constructed on one or both sides of it. The intention here is to maintain a tidy skyline and to give a unified and finished appearance to the street in question.

In all the residential zones a maximum height has been fixed of $12\frac{1}{2}$ m. or $2\frac{1}{2}$ storeys. The half storey may either take the form of a lower ground floor (or semi-basement) or a second floor or roof flat

depending on whether the building is constructed on steep or flat ground. In the previous scheme the control relating to percentage of building permissible on the plot made it necessary for owners to construct roof towers to contain the staircase head leading to the top flat. These roof towers were very unsightly and produced a disturbing element in the sky line. The scheme now in force permits a much larger roof flat making it easier for an architect to design the top floor of the building in a satisfactory manner, and yet restricts the total height of the building to twelve and a half metres.

In the industrial zone the height of a building is subject to the use to which it is to be put, always provided that it does not exceed $12\frac{1}{2}$ metres. There is adequate provision in the scheme permitting the erection of such structures as chimneys, etc. in special cases. It is unlikely, however, that



THE 1944 SCHEME

Jerusalem will ever expand as a heavy industrial centre, but even if considerable industries are erected in the two principal areas set aside for the purpose, the buildings will fit into the landscape, and the skyline should be preserved.

In the nature reserve the only buildings permitted are those connected with afforestation, agriculture and horticulture. These are unlikely to exceed two storeys in height.

DENSITY ZONING

The greatest density permitted falls entirely within the commercial zone where up to 50% of the combined area of the plot and half the area of that part of the road on which a plot abuts can be calculated in the total floor area of the proposed building. Similarly in the industrial zones up to 75% of the area of a plot can be covered by buildings. In neither of these two zones are outbuildings permitted since it is considered by the authorities that such buildings when required should form part of the main structure.

With regard to the residential zones the greatest density permitted is in the 6th zone where 35% of the area of the plot can be built upon. This percentage is gradually reduced until in the first special residential zone only 10% of the area of a plot can be so built on. As regards outbuildings such as garages and stores in these zones it is hoped that every endeavour will be made by the architect to make such buildings form part of the main structure especially where the land is hilly. In all residential zones two full storeys are permitted in addition to a lower ground storey or top storey always provided that these latter cover only half the area of the main storeys.

Considerable overcrowding took place after the coming into force of the 1930 scheme. Particularly was this the case as regards the division of former large flats and premises into two or more smaller ones. The planning authorities at the time of the revision of the scheme in 1944 were requested to make legal provision for smaller flats, a great demand for which arose. This was done in two ways :

- (1) by permitting a larger number of flats in the denser residential zones, and
- (2) by permitting the erection of blocks of flats or apartment houses in residential zones under certain conditions.

The most important of these conditions was that at least four or more plots of a minimum size in the zone concerned should be combined and that the design of every apartment house and the number of

apartments which it contained should be approved by the planning authorities.

The scheme makes it essential for such apartment houses to comply in all other respects regarding maximum density of building, setbacks, heights, etc., for houses in the zone in which they are erected. Furthermore, it is essential for every apartment house to contain service rooms and garages for the use of the residents and no part of the building is to be used for any purpose other than specified.

As a result of a demand by well established building companies to develop land in blocks or parcels of considerable size, provision is made for housing schemes which can be composed of apartment houses, detached or semi-detached houses and terrace houses. For such a housing scheme to be approved the plots used must be contiguous, and their situation, configuration, size and shape must be approved for such a purpose by the planning authorities. In addition the housing scheme must provide for no less than 50 apartments or flats and the design and layout must be specifically approved. In order to prevent speculation in land, every housing scheme must be presented and carried out by building and housing associations, companies or societies approved by the local authority as such. Special conditions as regards density, setbacks, heights, number of apartments, drainage, quality of materials, tenure of land and buildings, layout and upkeep of open spaces and similar matters can be insisted upon before approval is obtained for a housing scheme.

ARCHITECTURAL CONTROL

While the scheme was under consideration the planning authorities were much concerned with improving the regulations regarding the architectural control and appearance of buildings. In the past the majority of buildings in Jerusalem have been constructed of stone and for beauty, permanence and suitability there can be no doubt that this material holds the field. It is also the natural material since an almost unlimited range of stone can be quarried within or at close proximity to the town itself. Stone is essentially a permanent material and as such is architecturally unsurpassed, especially when used for the construction of public buildings. With cement becoming plentiful a number of buildings were constructed prior to 1944 of this material with unfortunate aesthetic results. The authorities are convinced that public opinion is behind them when they now insist that the external walls of all buildings in Jerusalem must be constructed of natural stone. They are also aware of the

fact that although concrete is an ideal material for factories and other buildings requiring great spans and unobstructed interiors, exposed concrete has aesthetic disadvantages principally those of colour and texture. An untreated cement wall is usually cold and depressing and time and weather which give mellowness to stone make untreated concrete dirty, dark and untidy. It is a well known fact that attempts to incorporate colour in concrete have met with very limited success. It is only when considerable time and labour is spent on treating concrete by bush hammering or wire brushing that it looks at all pleasant. In Jerusalem the additional labour involved in such treatments would be so expensive as to make a wall of natural stone cheaper. Provision, however, exists in the scheme for buildings not completed when the scheme came into force which were not constructed of stone to be finished or faced with the same material as the main structure.

Reference has already been made to the objectionable roof towers which were permitted under the 1930 scheme. Now that a greater floor area is allowed for a roof flat or second storey there can be no excuse for these unhappy excrescences. The authorities were much concerned in the past with the unsightly effect of service pipes and down spouts which were usually scattered all over the face of the stone walls of a building. The scheme makes it necessary for such pipes and down spouts to be grouped together and be placed in external chases, and, if required, to be covered by a grille. In this way the external appearance of a building will be much improved and the architect will be obliged to spend more time than hitherto in the consideration and planning of the service rooms of a house. Powers also exist to require the layout, levelling and planting of any space about a house or building making it legally possible to include such a provision as a special condition in the building permit. The unsatisfactory appearance of the majority of balconies constructed in recent years did not escape the attention of authorities and every endeavour has been made in the scheme to prevent the construction of too many balconies of unsatisfactory size or shape. Encouragement will be given to recessed balconies which are far more practical and aesthetically more satisfactory than the usual stuck-on match box variety.

Finally an attempt has been made in the scheme to control the appearance of flat roofs. Access to such roofs must be by an unobstructed trap door and no excrescences and protruding structures are now permitted. A continuous parapet is compulsory

and no pole, mast or other erection can be placed on the roof without the approval of the local authority who are expected to control their design.

ARCHAEOLOGICAL ZONE

It should come as no surprise to learn that in Jerusalem the greatest care must always be taken when excavating for foundations for new buildings to report any find of archaeological interest to the Director of Antiquities. Furthermore certain areas are so full of antiquities that the scheme indicates an archaeological zone wherein every building application has to be referred to the Director before a permit is issued. Powers are given to him to require the local authority to attach any special conditions to the permit which he thinks fit. The old restrictions regarding the repair and erection of buildings within the city walls which formed the basis of the Allenby building proclamation in 1918 have been reinserted in the scheme with amendments and additions. The design of every building within the walls is now subject to careful scrutiny of the Government Town Planner and the Director of Antiquities acting on behalf of the District Planning Commission. In addition powers exist for the District Commission to prepare detailed schemes providing for the architectural design of buildings and squares. If and when such architectural designs are prepared and approved, all buildings erected, re-erected or repaired within such a scheme must be in conformity with it. A severe restriction has been placed on the maximum height of buildings in the Old City by limiting the height of all buildings to twice the width of the public way or street on which the building abuts. Higher structures must obtain special approval and it is unlikely that such approval will be given unless the structure exists and an application is received to repair or rebuild it. In order to preserve the external appearance and the character of buildings in the Old City all roofs of houses constructed subsequent to the coming into force of the scheme must be flat or domed and covered with stone slabs. The Commission in introducing this regulation were of the opinion that black patches of asphalt in an otherwise completely stone city will have a disturbing aesthetic effect. Corrugated or sheet iron is strictly prohibited except when used in the form of a folding shutter to a shop or similar fixture.

SPECIAL POWERS

Amongst the special powers conferred in the scheme the one relating to the preservation of view

is perhaps the most important. At many points around Jerusalem* superb views can be obtained of the Old City and of the Mountains of Moab far away to the east. Powers are contained in the scheme enabling the Local Commission to restrict the height of buildings in the locality with the object of preserving an unrestricted field of vision from any road and public open space to any object of historical, archaeological and scenic interest or to a monument. When such powers are exercised by the Local Authority provision exists enabling owners of plots affected to so erect buildings with the same total floor area as if no restriction existed. This can be achieved by spreading the total permissible floor area over one and a half storeys instead of two or more storeys.

CONGESTED AREAS

The scheme makes an attempt to prevent further deterioration of certain densely built-up areas by the control of uses. Reference to the diagram will show that Jerusalem like other towns has the problem of improving certain very overcrowded and obsolescent localities which contain buildings erected prior to the introduction of a detailed scheme and in some cases erected in direct contravention of the building regulations in force. Such areas now fall within a particular zone and the scheme provides that in these congested areas no land or building may be put to any use other than a use permitted in the schedule in respect of the zone in which the area is situated. Furthermore, no house may be erected unless it is in accordance with a detailed scheme and no addition to or alteration of any building may be made unless it effects a sanitary improvement.

OVERSPILL POPULATION

Ample provision has been made in the planning of new areas to cater for the housing needs of the increasing population generally, and of the inhabitants of the Old City, the wealthier elements of which tend to leave the area within the walls and to settle in the quarters to the west and south. Reference to the neighbourhood unit plan and diagrams will show how it is hoped these new quarters will develop grouped together around schools, public buildings and commercial and cultural centres with ample recreation space between the various units.

To ensure that development actually takes place on these lines legislation may be required similar in spirit to that introduced recently in the United

* See plan of landscape features.

DIAGRAM OF CONGESTED AREA



	HOSPITALS		SCHOOLS
	PLACES OF WORSHIP		FACTORIES WORKSHOPS
	SHOPS WITH HOUSES OVER		HOUSES WITH GARDENS
	MARKET		OTHER INSTITUTIONS
	VACANT LAND		MAIN GROUPS OF TREES

Kingdom where it is intended that all land in future must be put to its correct use and where development must follow an orderly and preconceived plan with a view to benefiting the majority of the inhabitants and ensuring their health and well being.

OPEN SPACES

No scheme is complete unless adequate provision is made in accordance with modern requirements for open spaces of various categories. Jerusalem, like so many towns that have recently been surveyed from a planning point of view, is deficient in open spaces. This is difficult for a visitor to the city to realise since so many plots even in the central area are still undeveloped and give the false impression that they are permanent open spaces. The illusion is heightened when these areas contain olive groves and the public have free access to and across them. The great stumbling block in the past to the provision of large public gardens and recreation grounds has been the fantastic cost of land. It is not intended to delve into the intricate reasons why land, particularly in Jerusalem, and generally in Palestine has during the last ten or fifteen years been so prohibitive in cost, but the fact remains that the local authority with the limited powers at its disposal and a still more limited purse has up to date been unable to improve upon this unsatisfactory state of affairs. Since Palestine is well abreast of legislation in most fields, full advantage will be taken in the near future to provide the planning authorities with greater powers to enable them to obtain adequate open spaces and to restrict, or in cases, to prohibit with little or no cost to the taxpayer building development in unsuitable localities.

The 1944 scheme includes many large and important open spaces, some of which are still in private ownership.

HARAM ESH SHARIF

In the Old City the most spectacular public open space lies to the east and is enclosed by the walls of the Haram esh Sharif. In the centre of this area on a raised stone paved platform rises the superb Mosque of Omar or Dome of the Rock. This is well illustrated by photographs elsewhere. Its use as an open space is restricted to Moslems, located as it is in the centre of the Moslem quarter of the Old City.

Private open spaces in the form of walled courtyards abound in the Old City, but access to these is obtained only through a door, usually kept closed and set in a stone archway. There are many public squares in the Christian and Armenian quarters and they are much used at all times of the year by the inhabitants generally. During the great religious festivals, however, these public squares and all the buildings in the vicinity are packed with a seething

mass of people who have come to witness the events from east and west. The most famous of these squares are those in front of the Church of the Holy Sepulchre and the courtyard of the Armenian Church of St. James.

The interior courtyard of the Citadel is also potentially a fine open space. Some years ago the pro-Jerusalem Society prepared plans for the layout of this area which once contained the palace and ornamental gardens of a Roman Emperor. Owing to the discovery of traces of the ancient Jewish city walls in this area by the Department of Antiquities, the layout and planting of the public garden was suspended. It is hoped, however, that work on this admirable project will be resumed now that the archaeological finds have been classified and recorded.

The local authority have plans to convert various vacant areas chiefly in the vicinity of the Zion Gate and adjoining the Stork Tower into small children's playgrounds, thus fulfilling a great need for adequate recreation facilities.

MOUNT OF OLIVES NATURE RESERVE

Outside the Old City the most impressive area which has been reserved for the public is the Mount of Olives. As explained in previous chapters this was the most important area considered worthy of preservation by the late Lord Allenby in 1918, which came second only to the preservation of the Old City itself. Successive planning authorities since 1918 have followed this admirable lead and the 1944 scheme crystallises past efforts in this direction. The total area covered by the reservation is some 1,200 dunams. It is bounded on the east by the existing road running along the ridge of the Mount of Olives at at Tur village. To the south it encloses the Garden of Gethsemane and all the religious buildings constructed in this locality. Government, with the collaboration of religious and secular owners of land within this reserve, hope to be able to carry out a great terracing and planting scheme for the whole of this nature reserve. The proposal is illustrated in a diagrammatic form overleaf. It may be necessary to treat in a more formal manner certain small sections of the area especially where magnificent views are obtained of the Old City itself. Footpaths through the olive and cypress groves will be laid out and goats and other grazing animals will be permanently kept out by forest

JERICO

OPEN SPACE PLAN

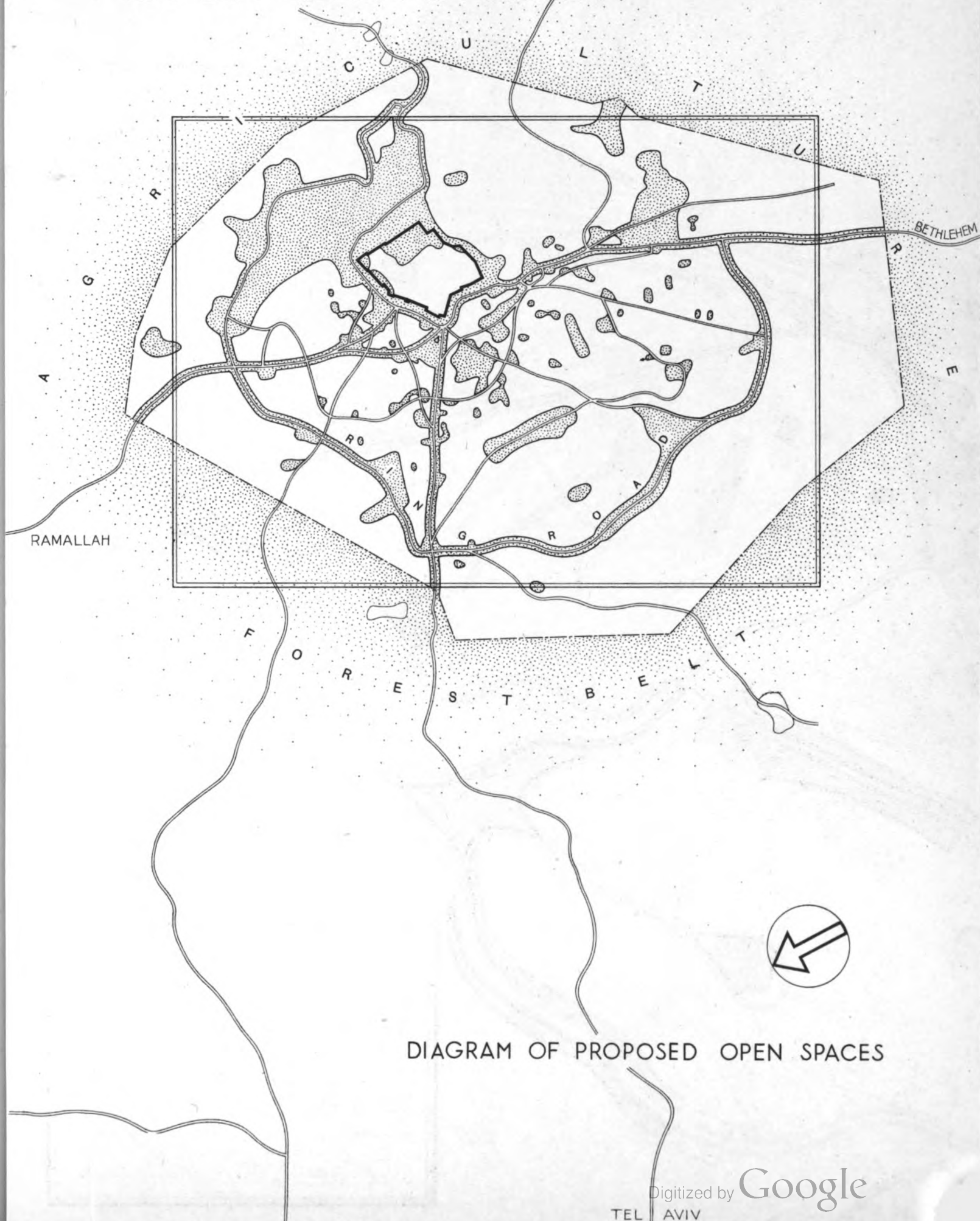


DIAGRAM OF PROPOSED OPEN SPACES

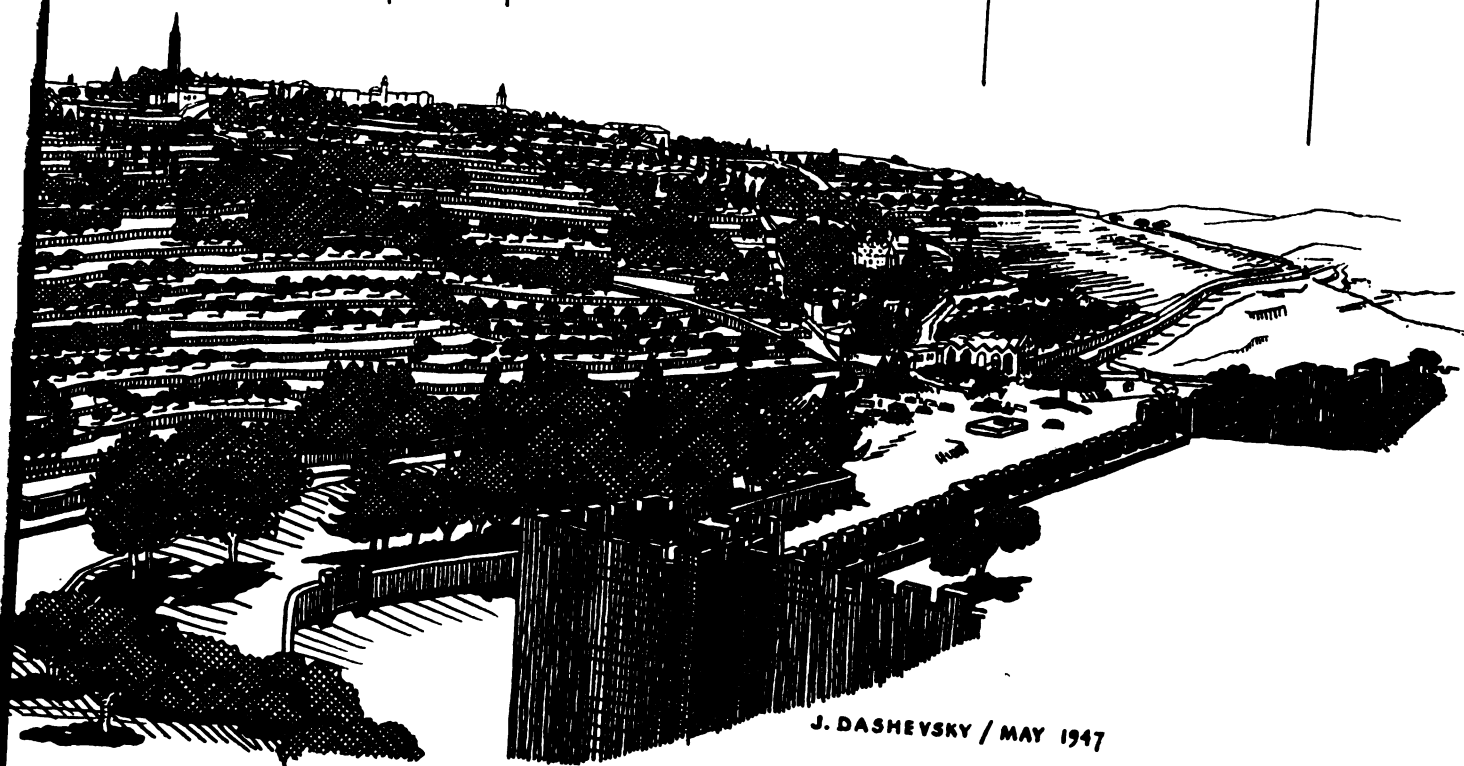
Russian Tower

Carmelite Convent

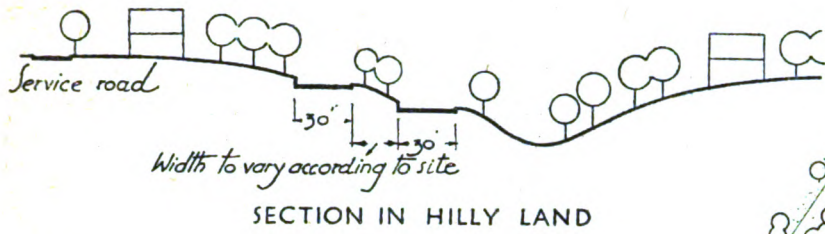
Gethsemane

Valley of Kidron

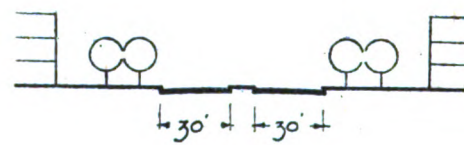
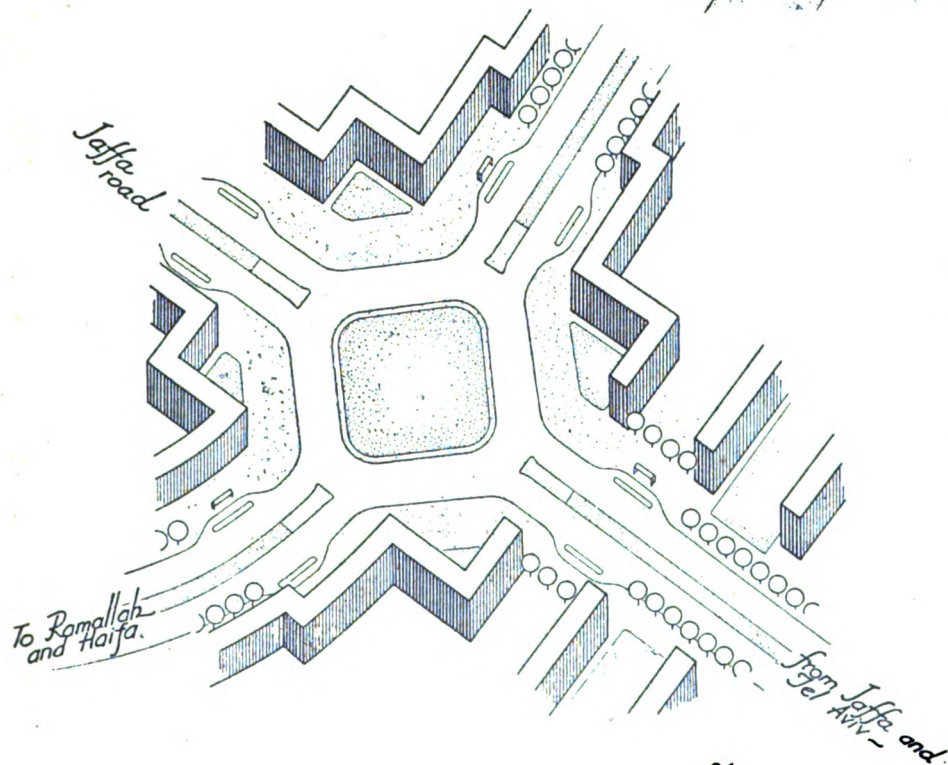
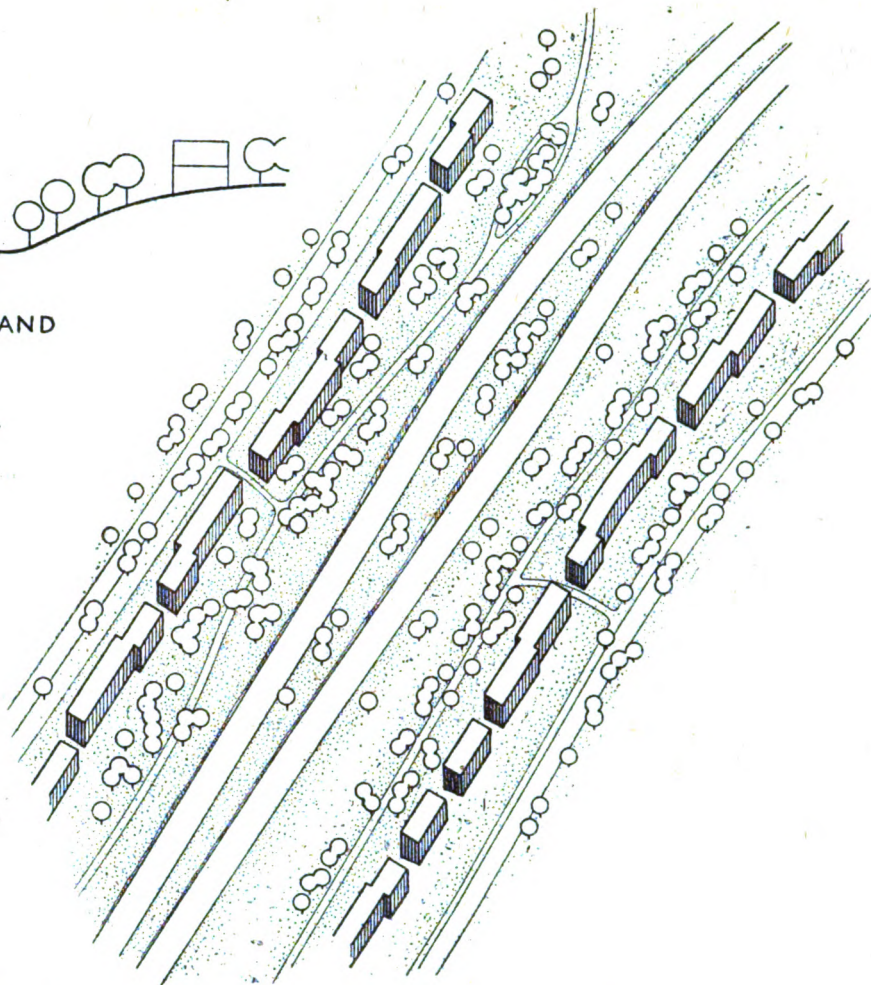
*Chapel of the
Ascension*



from the Archaeological Museum



DETAILS OF THE RING ROAD



SECTION ON LEVEL LAND

guards. The area, when thus treated, should become one of the most striking features of the plan and a great amenity to the inhabitants of Jerusalem.

RING ROAD WEST (PARKWAY STRIP)

The 1944 scheme also provides an impressive public parkway to the west of Rehavia. At present this proposed public open space is in private ownership and is planted out with olive trees. It lies in the valley between Rehavia and el Qatamon to the east and the distant suburb of Beit hak Kerem to the west. The future ring road traverses this region. Provision is being made for a riding strip along this section of the ring road which connects the Bethlehem and Jaffa roads. This proposed public open space should, therefore, become an important amenity to the future residential neighbourhood units which are likely to develop in this region. Great care must be taken in the layout and design of the cross section of the ring road. A suggested treatment for this road is indicated in the diagram. When the road traverses the open space, those trees which have to give way for its construction should be transplanted to neighbouring areas. Experience gained in the last few years in the moving of olive trees has proved conclusively that this process can be undertaken with the greatest of confidence if certain important precautions are taken, the chief being that both the roots and branches must be severely trimmed before the tree is planted in its new position.

EL QATAMON (GREEK CONVENT OF ST. SIMEON)

Perhaps one of the greatest existing amenities of the el Qatamon residential suburb is the beautiful garden of the Convent of Saint Simeon, which the Greek religious authorities permit the public to use on most days of the year. As a result of the rapid development of this residential suburb, the need for the further provision of public open spaces has received consideration by the planning authorities and in the outline scheme of 1944 and subsequent detailed schemes, provision has been made for a public open space to be suitably terraced and planted to adjoin the southern part of the garden of the convent. This open space will be located on the spur of the hill on which the monastery stands and will command a view of the whole western valley through which the ring road will traverse. With the existing convent garden the whole of this "lung" will measure some 38 dunams. The proposed replanning of this locality is illustrated in the neighbourhood unit chapter.

GOLF COURSE AREA (NEAR GOVERNMENT HOUSE)

The 1944 scheme also makes provision for an open space some 180 dunams in extent at the top of the hill near Government House, and situated between the Arab College and the suburb of Talpiyot. At present, part of this area is used by service personnel as football grounds and part by the Jerusalem Golf Club whose members have laid out as a nine hole golf course. This open space is well located for the use of inhabitants of the southern suburbs of Jerusalem. It has also been ascertained that the area is unsuitable for building since it is chiefly composed of treacherous "cotton" soil which is waterlogged in the rainy weather and is liable to move and crack in the dry season. Building operations on such soil would be expensive and difficult especially as regards foundations and the disposal of sewage.

JULIANS WAY: (KING DAVID HOTEL TO THE SCOTS HOSPICE)

As far back as 1930 the importance of preserving the unique view of the hills of Moab from the junction of King George Avenue and Julians Way must have been appreciated, for detailed schemes dating back many years have set aside the long strip of land from the King David Hotel to the Scots Hospice and Memorial Church for this purpose. Although the land slopes and is long in comparison to its width, it would be ideal if treated as a formal terraced garden with a few olive trees so as not to obstruct the view. The relieving effect of verdure can be achieved by the planting of low flowering shrubs in suitable places on the terraces. The land situated opposite this proposed open space will ultimately be covered by buildings with a continuous arcade on the ground floor. An architectural design for all future buildings in this locality has been prepared and approved. A special scheme has been promulgated and is now in force. Any owner of land within the area of the scheme must follow its general architectural lines, although he will be given considerable latitude in the internal layout and design of each individual building.

The contrast on the two sides of Julians Way when thus completed with arcaded buildings on the one hand and a formal terraced garden on the other, opening up unparalleled views of the old city walls and the mountains of Moab will make Julians Way one of the most attractive public avenues in the modern town of Jerusalem. The perspective on the facing page illustrates this proposal.



J. DASHIEVSKY ARCHT.
JULY, 1946

PROPOSED PUBLIC GARDENS BETWEEN KING DAVID HOTEL AND SCOTS HOSPICE



31



32

GOVERNMENT HOUSE

31. View of the Old City from the terrace

32. Steps leading to garden and lower terrace

33. The east front and walls of sunken garden

34. The garden front showing rough stone walls to terraces



33



34



35

36

THE ROCKEFELLER MUSEUM

35. Central pool and arcade with Eric Gill's sculptures

36. The tower from the east

37. The main public entrance to the Museum

38. Approach drive from the south

39. General view from Herod's Gate



37





38

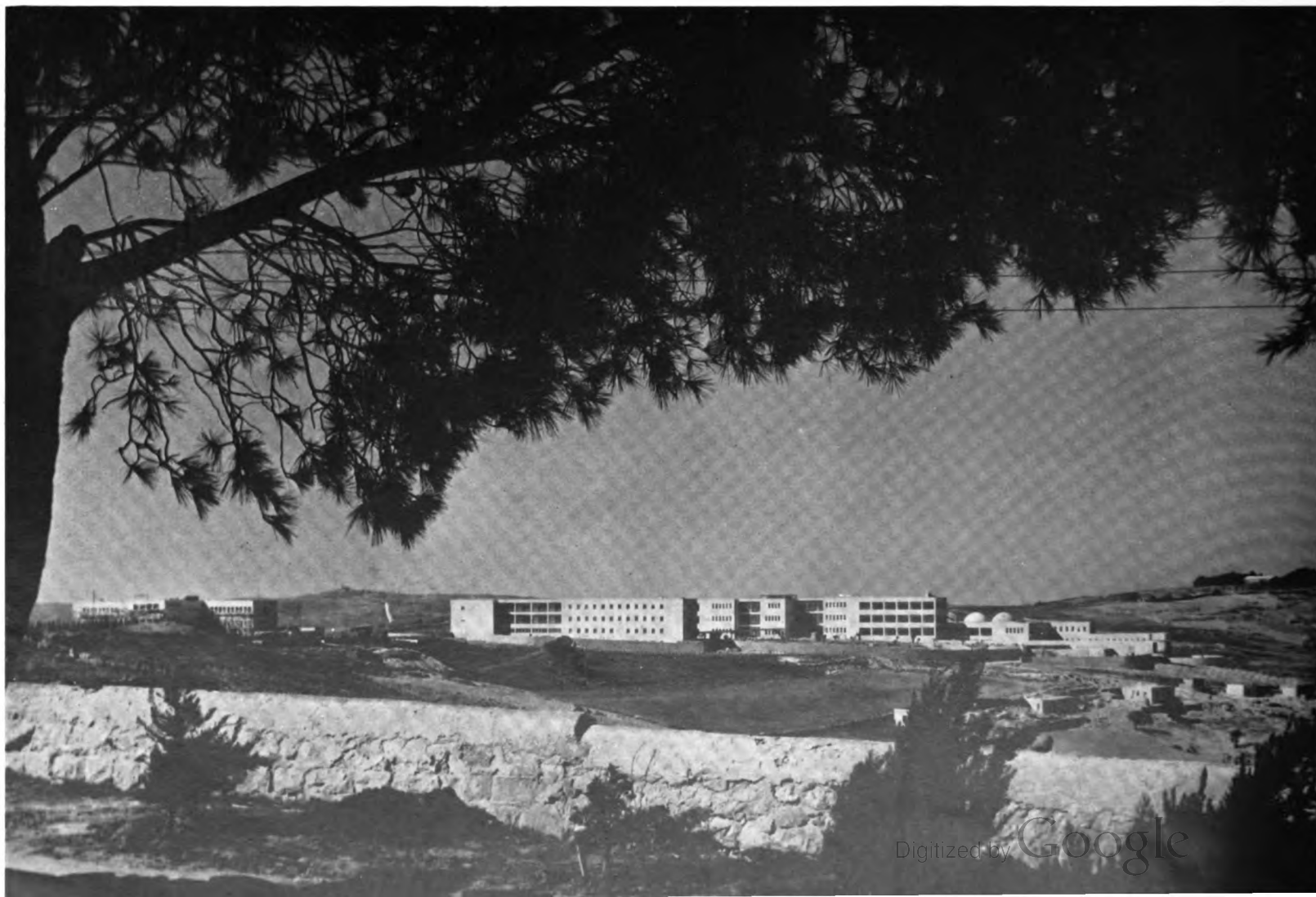


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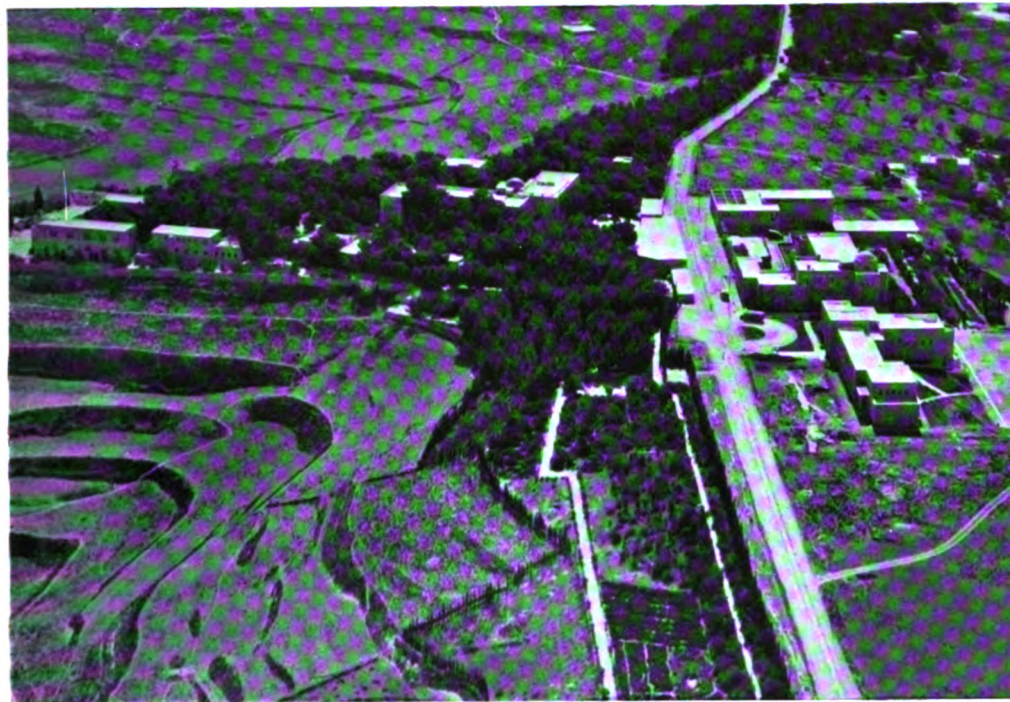


41





42



44

43

THE HEBREW UNIVERSITY

- 40. View of Mountains of Moab from the amphitheatre
- 41. The Hadassah Hospital, seen from the grounds
- 42. The southern group of the University buildings
- 43. Air view of University showing terraces
- 44. Detail of entrance to science building
- 45. One of the older units with surrounding garden

45





46

48



47

49





THE VIRI GALILÆII BUILDINGS & GROUNDS

*ON THE CREST OF THE MOUNT
OF OLIVES*

46. The church from the lower
terrace

47. Bell tower

50

48. The Dome of the Rock from
the lower garden

49. Paved footpath and typical
low stone wall

50. Olive trees to the west of
the main buildings

51. Detail with cypresses

52. Olive grove near bell tower



51



52



53

53. The Y.M.C.A. from the west with the King David Hotel in the background

54. Detail of main steps and entrance

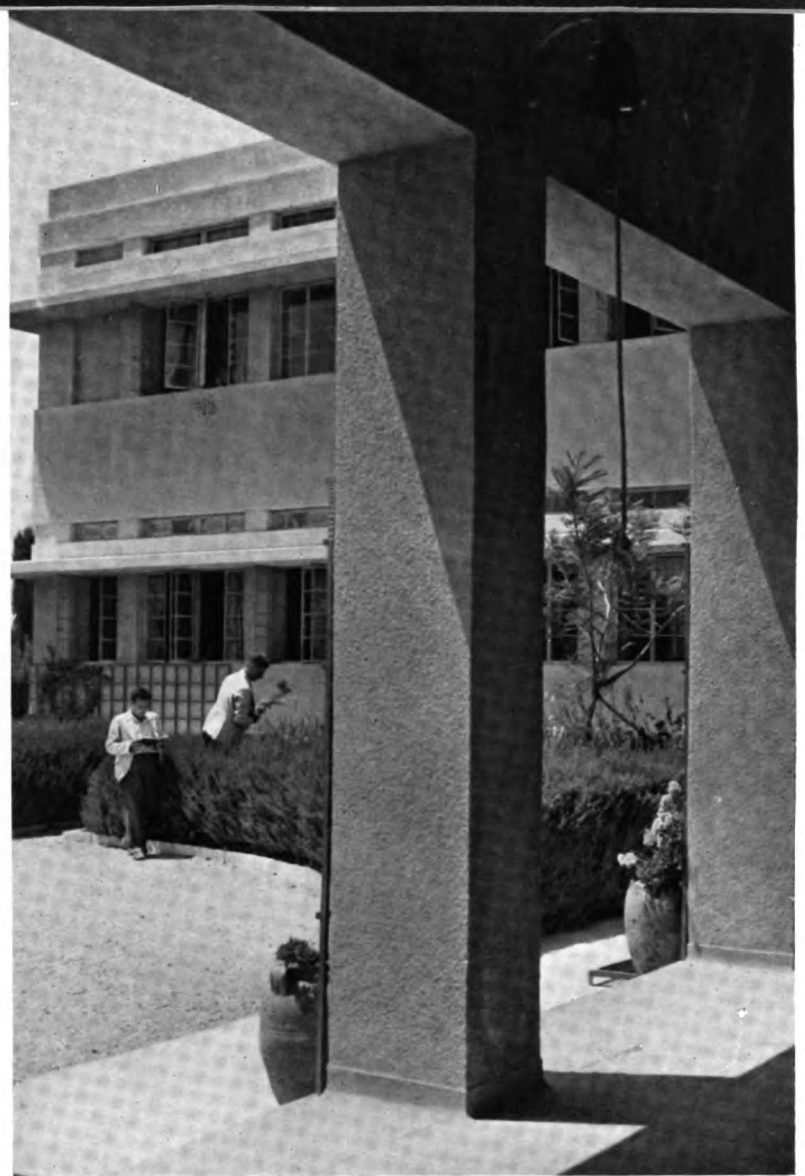
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55

55. Entrance to Government Arab College



56

56. A view of the south wing from the arcade

57. The Scots Memorial Church and Hospice

57





58

58. Nurses quarters—Hadassah Hospital on Mount Scopus

59. Wing of hospital from the garden

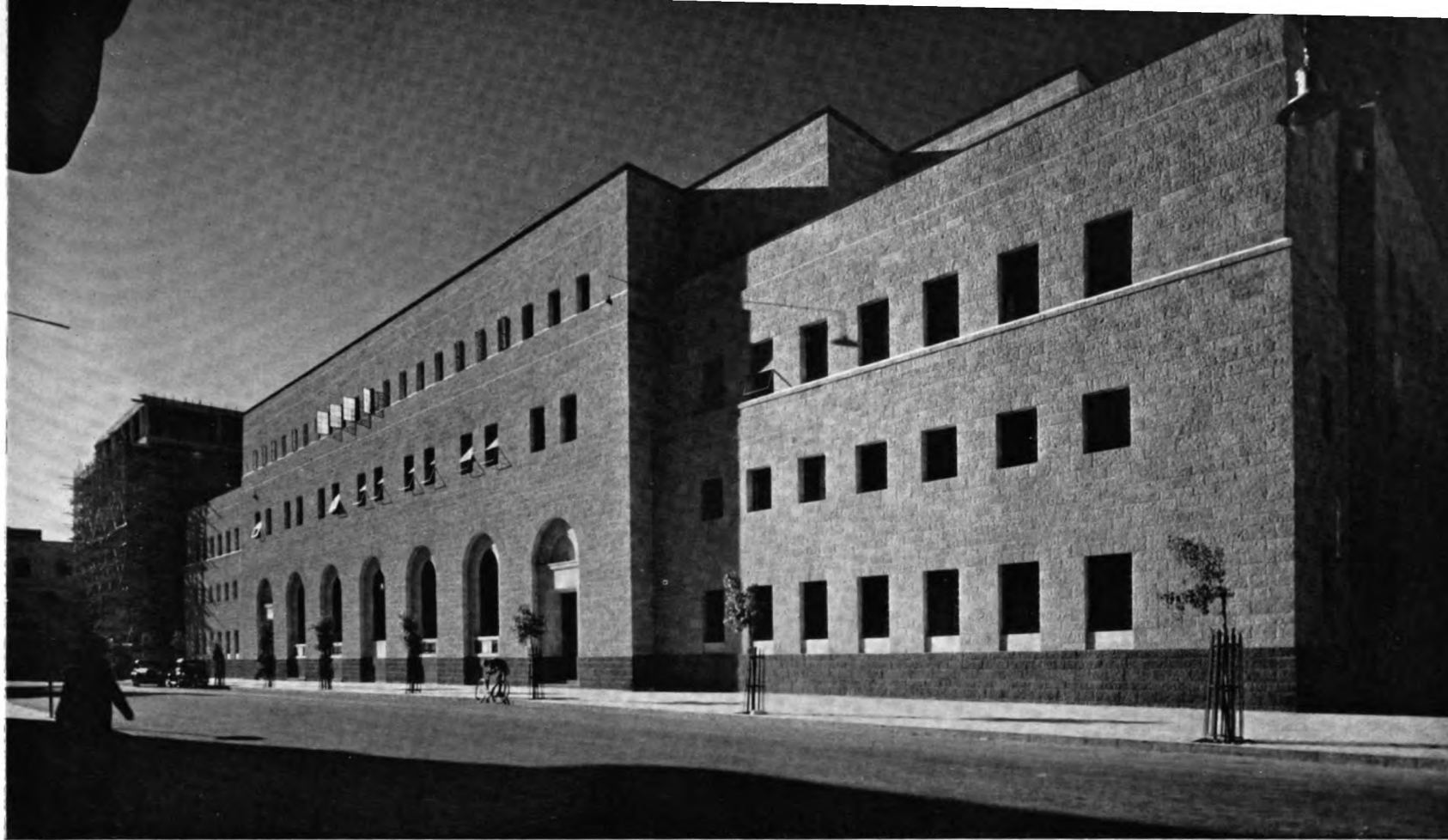
60. The Central Post Office

61. Rear elevation of Post Office

62. St. George's Anglican Cathedral

59

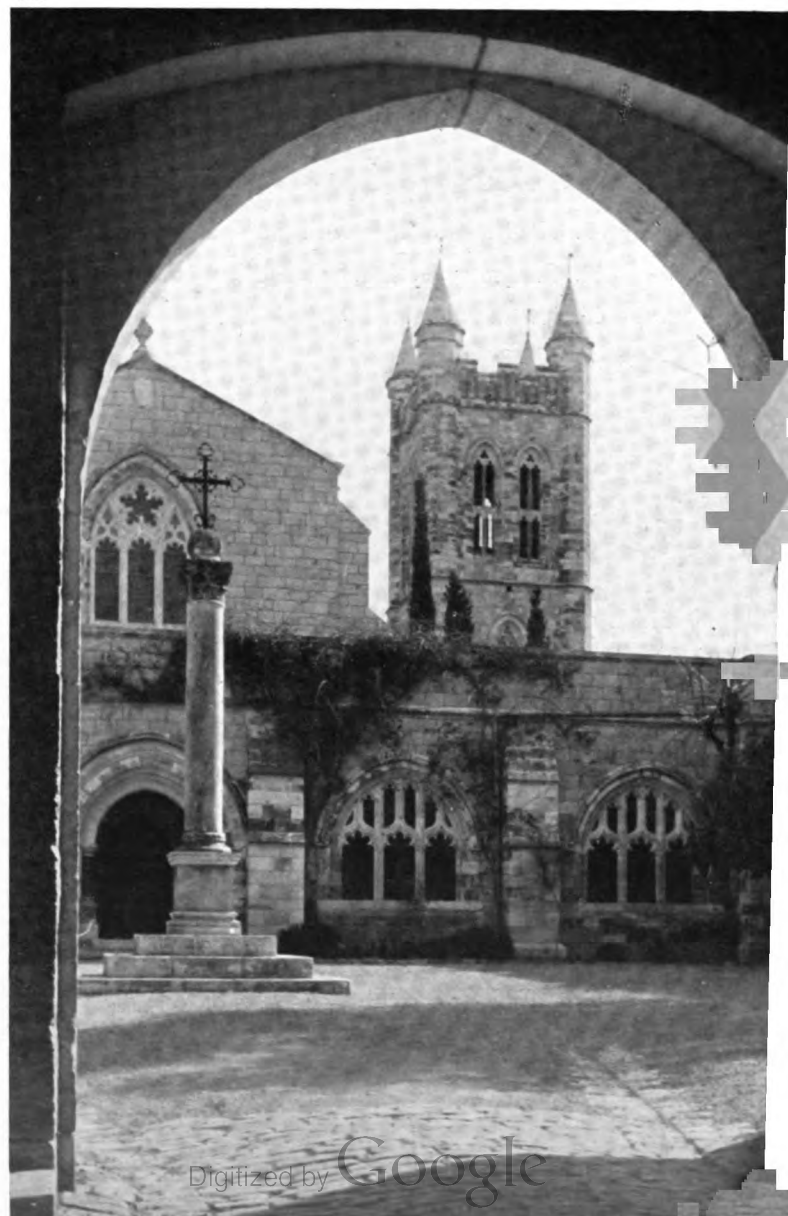
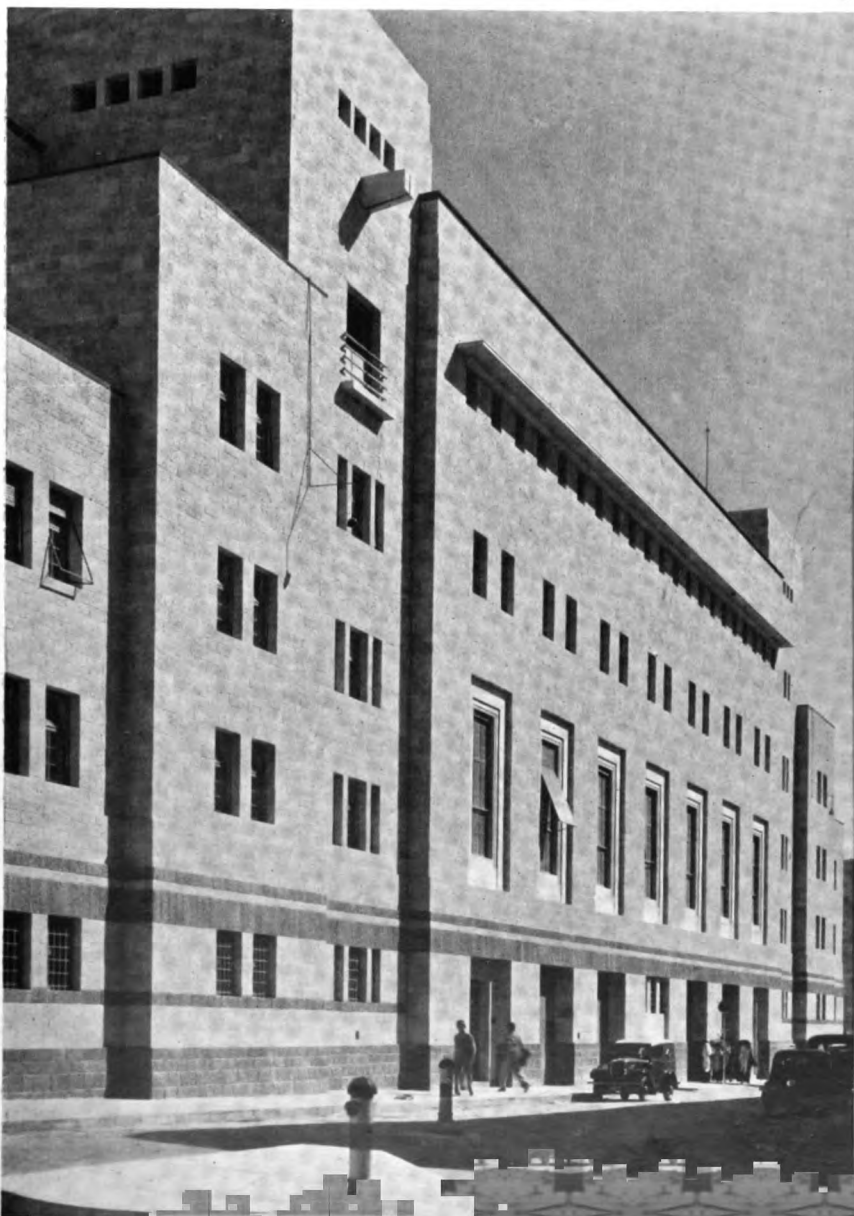




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61

62





63. The Kidron Valley with the Tomb of Absalom
 64. Garden of Gethsemane and Russian Church
 65. Jewish home for the aged

66. Ancient Church of the Virgin and olive trees
 67. Ratisbone Convent
 68. Schneller Orphanage main building

63

64

65

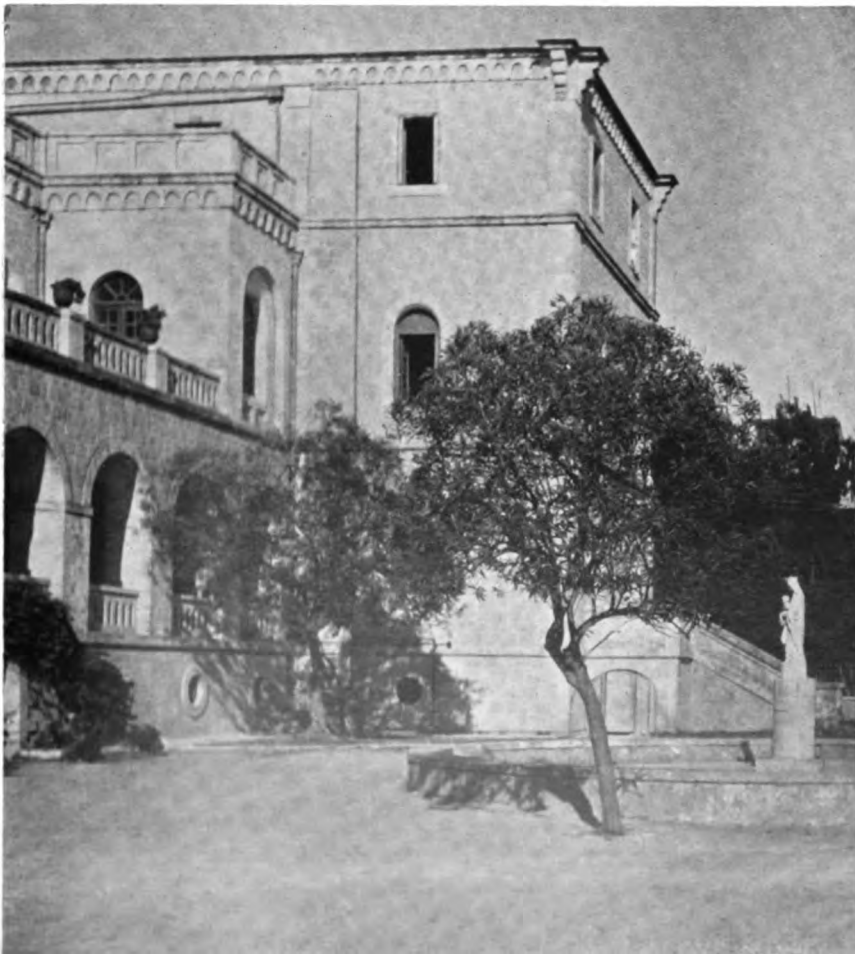


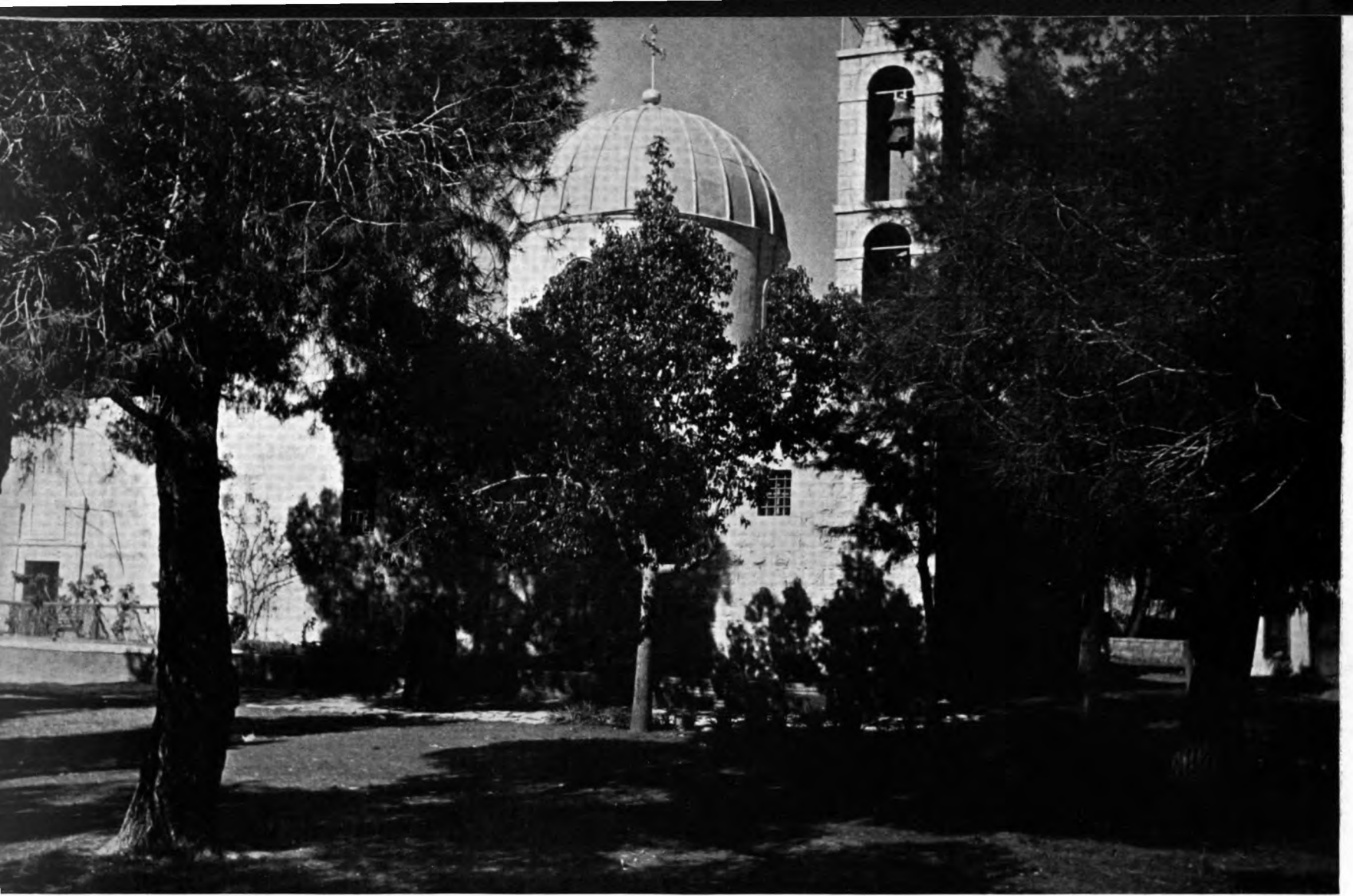


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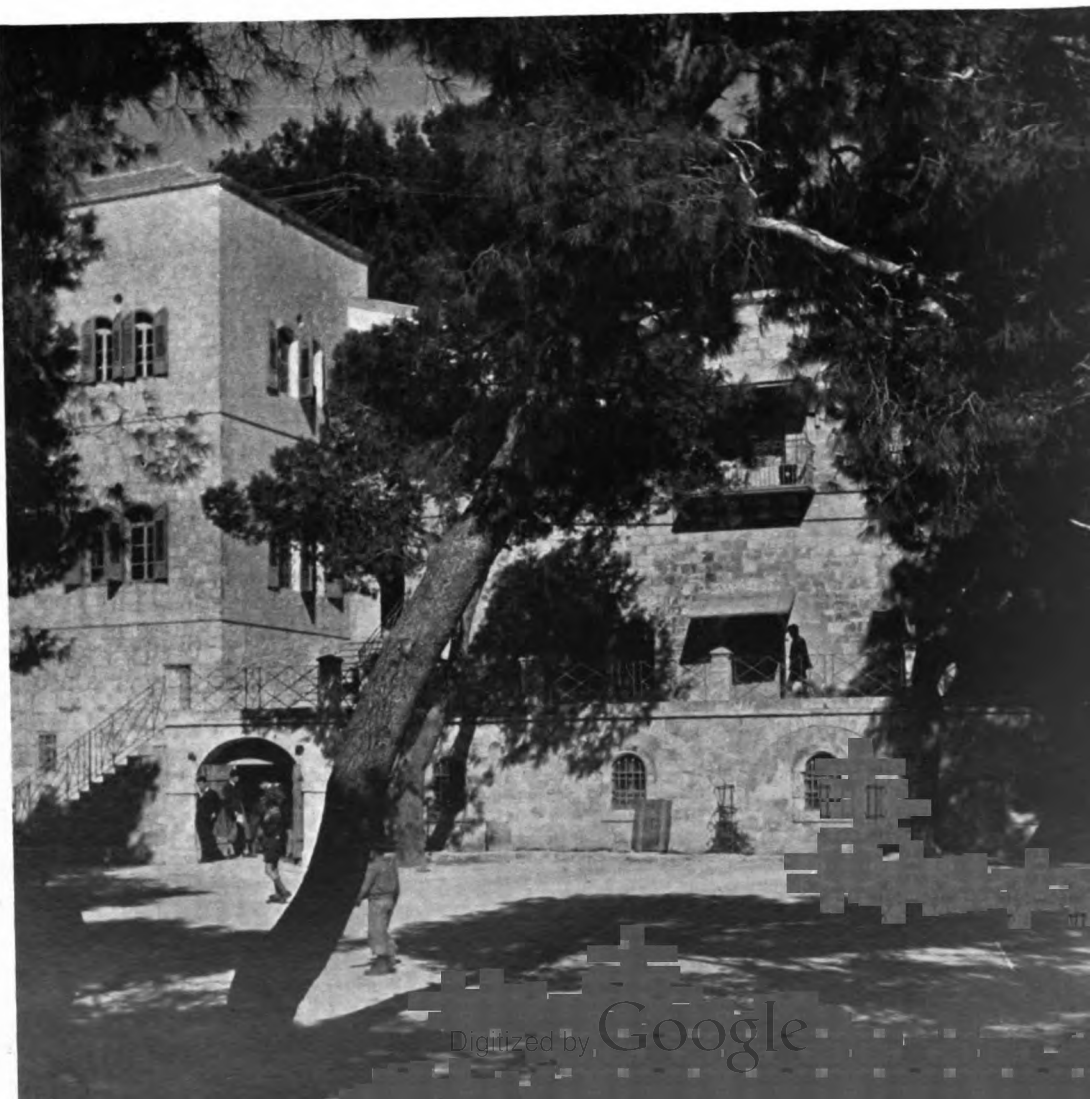




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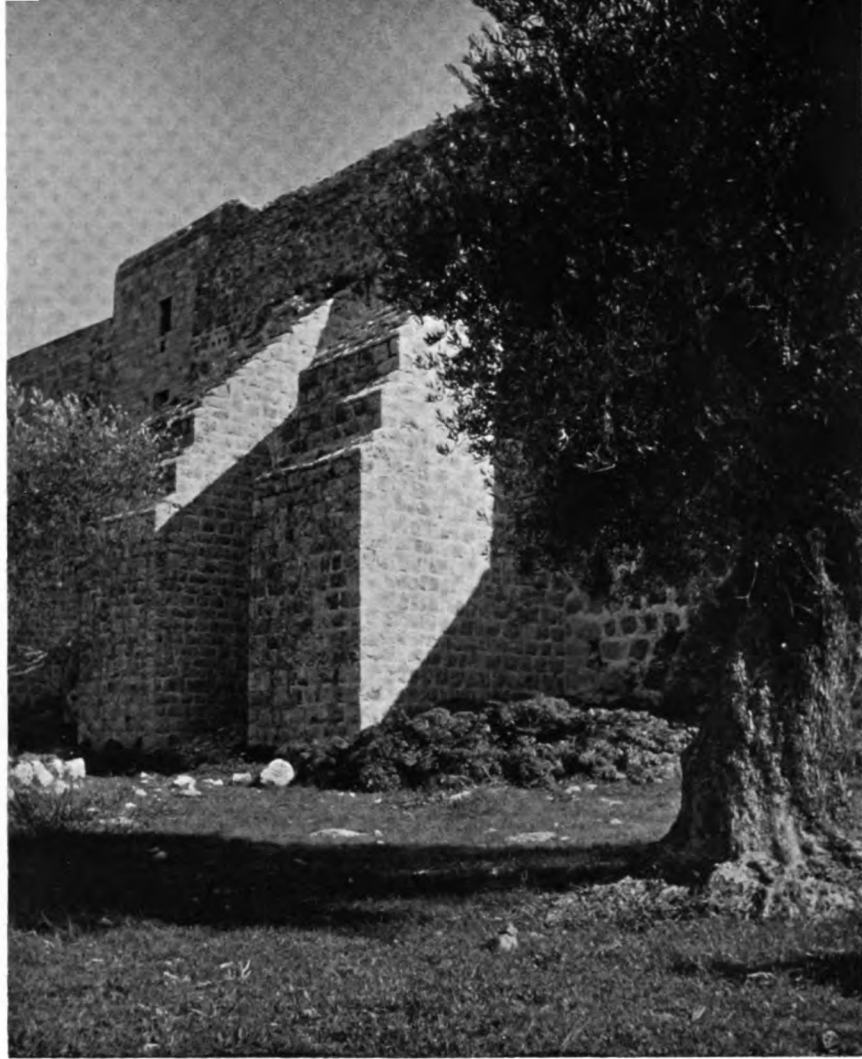
76

- 69. Church of St. Simeon, Katamon
- 70. Greek Patriarch's former summer residence
- 71. Terrace in front of the Church of St. Simeon
- 72. Part of the beautiful wooded grounds
- 73. Another view showing cypresses in the grounds of St. Simeon Convent
- 74. Spacious terraces to the south of the church
- 75. Playground of Bishop Gobat school on Mount Zion with buildings in background
- 76. Another view of the main buildings





77



78

79



GREEK MONASTERY OF THE CROSS WEST KATAMON

77. The main buildings with the
church in the centre

78. A view of the massive but-
tresses from the south

79. Looking east, showing tower
and surrounding olive trees



OTHER PUBLIC BUILDINGS

80. The Jewish Agency building,
King George V Avenue

81. The Government Printing
Press near the Railway Station

82. Government Boys' School,
Talbieh





83

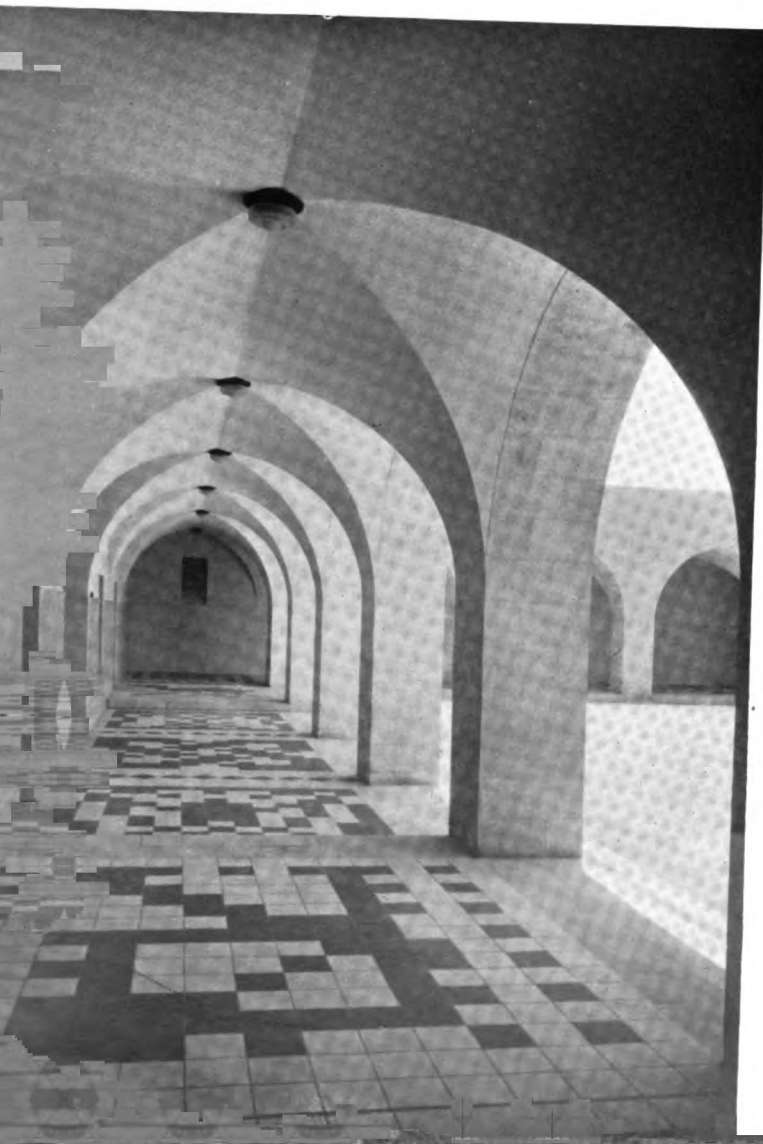
84

THE ORDER OF ST. JOHN OF JERUSALEM

83. View of buildings from Mount Zion

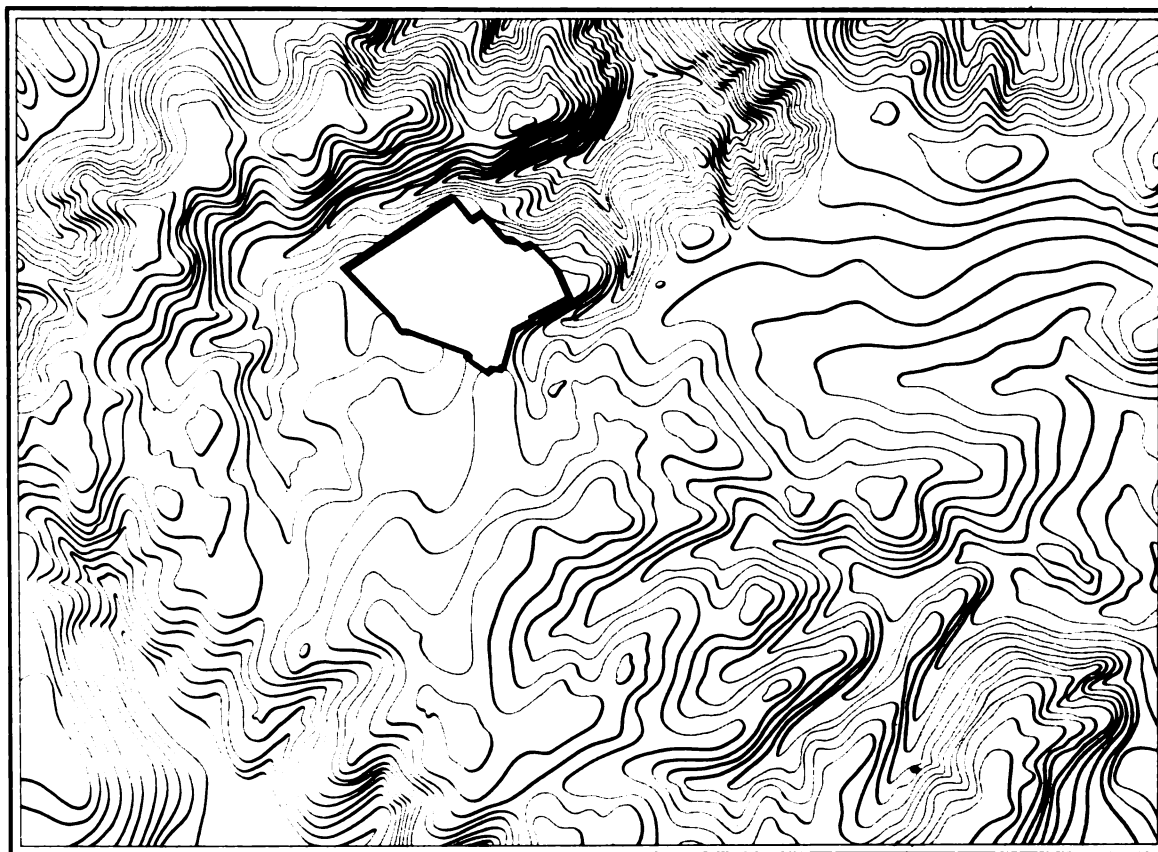
84. Part of the cloisters for out-patients

85. The new south wing with wards and offices



85





JERUSALEM AND SURROUNDING HILLS

HISTORICAL, RELIGIOUS
AND PUBLIC BUILDINGS AND SITES

PUBLIC BUILDINGS WITH GARDENS IN THE NEW TOWN

An attempt has been made in the coloured map and accompanying photographs to give some idea of the number and architectural diversity of historic, religious and public buildings outside the city walls which have public or private gardens in their immediate vicinity.

It is a striking fact that once an area is walled in and grazing animals kept out, trees and shrubs will grow which in a short time will transform the whole appearance of the site. Jerusalem is fortunate in this respect in having so many religious buildings and sites, for, with few exceptions, those responsible for them over a period of years have taken great pains to preserve the buildings and to plant the gardens that surround them.

Probably the largest landowners in Jerusalem are the Greek Orthodox authorities. Amongst the important buildings illustrated that belong to them are the Saint Elias and Saint Simeon Convents and that of the Monastery of the Cross. The beautiful grounds surrounding these buildings hardly need describing since the photographs speak for themselves.

The Russian Orthodox authorities also own considerable properties and it is regretted that, owing to certain conditions beyond control, it was not practicable to obtain photographs of the important group of buildings centred around the Russian church in the vicinity of the Jaffa Road. Other buildings belonging to that community are however illustrated and the Russian Tower on the Mount of Olives is so well-known a landmark as to require no stressing.

The Latins are well represented in the Old City and in a number of convents and monasteries built on or near the Mount of Olives and in the new town itself. Without desiring to stress the efforts of any one religious group above another, it is felt that the general care lavished in the preservation of ancient monuments for centuries, as well as the particular efforts of terracing and planting of the land east of the Old City by the Franciscans must in fairness be mentioned as a most admirable civic effort.

The gradual building up by the Jewish community of the University on Mount Scopus on a magnificent site is well illustrated by the photographs. The University authorities are at the present time in the midst of the preparation of a comprehensive scheme for the whole area, linking up the Hadassah Hospital building with those of the

University proper. The greatest care has been taken in the layout and planting of terraced gardens on both slopes of Mount Scopus, and all responsible for this work are to be congratulated on the fine results achieved. In passing it might be mentioned that the ring road in this locality will eventually be diverted to skirt the westernmost boundary of the University lands instead of crossing them as it does at present.

Although still lacking a central administrative building, Government have, since the occupation, erected the Rockefeller Museum, the central Post Office in the Jaffa Road, the Printing Office adjoining the station, various schools, and last but not least, Government House, the official residence of the High Commissioner, which is situated on a superb site commanding views over the Old City, the Mount of Olives and the Kidron Valley.

Although this book deals primarily with planning it is felt that the architectural aspect of the old city should be lightly touched on to complete the picture and this is done in Chapter VI.

MAMILLAH POOL

For many years past the Planning Commissions have been anxious to treat the disused Mamillah cemetery area by widening the road junction at the Princess Mary Avenue end thereby eliminating the present traffic bottleneck, and also to improve the neglected condition of the historical Mamillah Pool and its immediate surroundings. As is well known, the whole of this triangular slice of land is walled in and until fairly recent times was in use as a Moslem cemetery. Burials here have not taken place for some years but there are located in the grounds many of the graves of Saladin's followers which historically are of considerable interest. With the approval and assistance of the Supreme Moslem Council, it is hoped to improve this derelict area by preserving and tidying the well-known tombs, cleansing and beautifying the immediate surrounds of the pool and developing the remainder of the area for flats and offices as well as a garden in the vicinity of the pool. Negotiations are now in progress with the authorities concerned and the photograph of the model prepared for the local authority illustrates one way in which the area can be treated. (See art section between pages 52 and 53.)

TOMBS OF THE JUDGES AREA (NORTH)

An area of great archaeological interest has been preserved as an open space in the 1944 scheme. This lies to the north of the town and not far from

the Government Police Depot situated west of the Nablus road. Although at present too far from the built-up areas to be of immediate use, the planning authorities were recently much concerned with the wanton damage done to existing tombs and also with the building encroachment which have taken place in the locality in recent years. With the active collaboration of the local authorities it is hoped that by its indication in the scheme as a reserve for use by the public, attention will be drawn to the desirability of the preservation of the tombs, many of which have carved classical pediments of considerable architectural merit. It will probably be necessary to enclose parts of the area to prevent further damage, and until the remainder of the land can be terraced and planted out as a public garden.

FOREST NEAR SCHNELLER'S ORPHANAGE

The scheme also preserves an area to the north of the town which is thickly planted with firs, cypress and other trees in an excellent state of growth. It was felt by the planning authority that this small forest should be protected and a further area of land added to it to increase the amenities of the neighbourhood, which is likely to become densely built-up in the not too distant future. The forest and

adjoining terraced areas will immediately be accessible from the northern section of the ring road, and will be within reach of the northern residential suburbs of Jerusalem.

Apart from these large public open spaces, most of which are still in the proposal stage, there exist five well planted and laid-out public gardens located in King George Avenue, opposite the Municipality, Talbiya, Wadi el Joz and to the north of Mea She'arim. These are maintained by the local authority and are constantly used by the public at all times of the day. Smaller public open spaces also exist in the residential suburbs of Talpiyot and Beit hak Kerem.

Generally speaking, however, there are few areas in Jerusalem which are, as yet, adequately served by open spaces. In the north-west of the town, as illustrated diagrammatically, there is considerable over-crowding with a consequent lack of open spaces and play-grounds.

Numerous voluntary societies and associations have been instrumental in remedying the defects arising out of the insufficiency of playgrounds and gardens, and it is hoped that they will continue to collaborate with the local authority in providing this essential amenity to Jerusalem.

DISTRIBUTION OF POPULATION

AN EXAMINATION OF THE POPULATION PLAN IN conjunction with the index diagram will reveal some interesting features probably peculiar to Jerusalem.

In the first place the population tends to group itself into distinct communities; this applies not only to the Old City but also to the new quarters outside the walls. The only exception to this peculiarity is to be found in the few main commercial or shopping streets where Jewish, Moslem and Christian shops can be found side by side.

In the second place the communities have developed around centres established for many centuries especially is this the case in the Old City. The population plan should also be studied in conjunction with the Old City map contained in the folder. It can then be clearly seen how the Old City is divided into three distinct sections from a population point of view, i.e. the Moslem quarter, the Jewish quarter and the Christian quarter (including the Armenian quarter). The Moslem quarter includes the Haram esh Sharif and a third of the area of the Old City lying east of a line drawn west of the Dome of the Rock and thence north to the Damascus Gate.

The Jewish quarter covers a comparatively small area to the west and south-west of the Wailing Wall

while the Christian quarter covers practically the whole of the western half of the Old City.

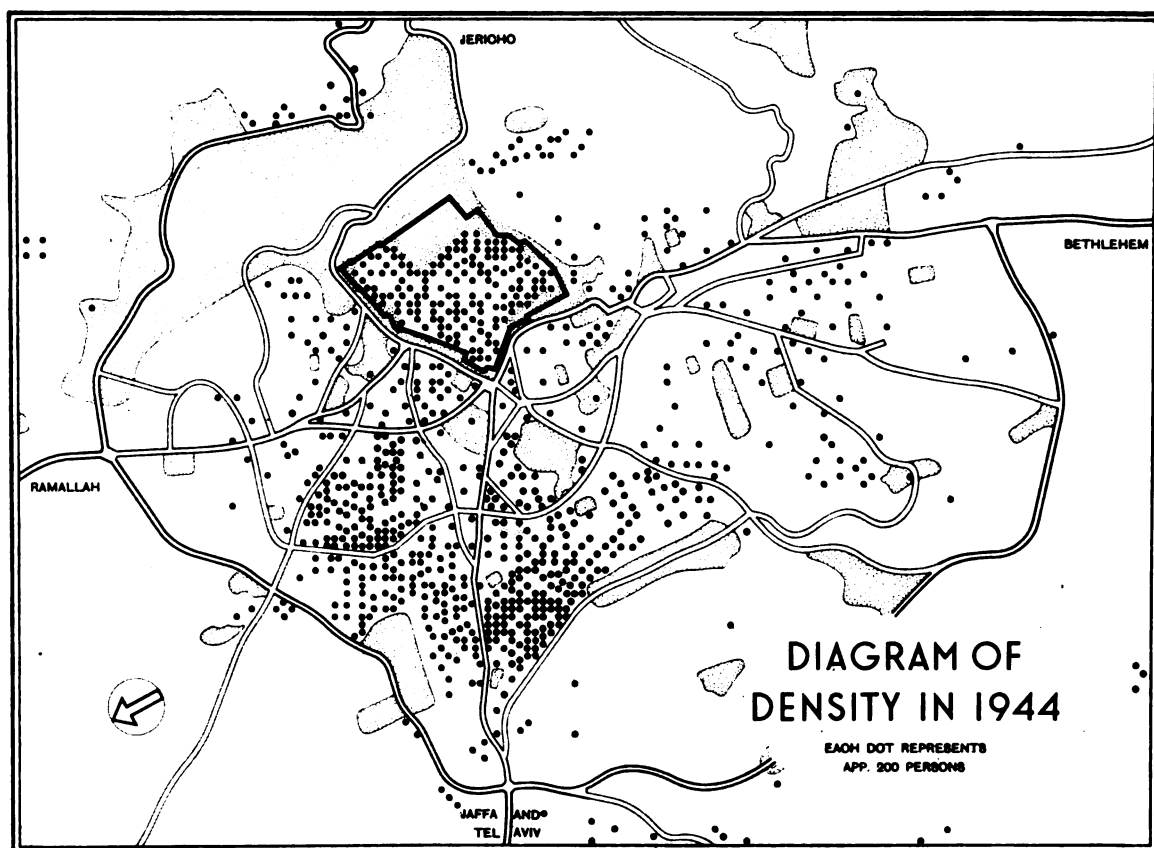
In the new town the Jews are grouped principally to the west, the Christians to the south-west and the Moslems to the north and east. The scattered blue points on the plan indicate Jewish suburbs and settlements the principal amongst these being Bayit ve Gan, Beit hak Kerem, Meqor Haiyim and Talpiyot. The Hebrew University buildings on Mount Scopus are indicated to the north. From a study of the plan it will be seen that by far the greater percentage of the Jewish population are located in the Mea She'arim area and Rehavia.

The Moslems are concentrated in Deir Abu Tur, el Baq'a, Bab ez Zahira and the Nashashibi Quarter. Scattered green patches indicate Moslem Arab villages amongst which are at Tur, Lifta Beit Safafa, and Silwan.

The Christian section of the population live in Talbieh, the Templar, and Greek Colonies, Qatamon and in the area in and around the American colony.

As far as can be ascertained the total population is divided amongst the three main groups as follows:

Jews 99,300, Moslems 33,700, Christians 31,300,
Total 164,300.



DISTRIBUTION OF POPULATION

OPEN SPACE DEFICIENCY

CHAPTER VI

THE ARCHITECTURE OF THE OLD CITY

THE ROMAN, BYZANTINE AND CRUSADER PERIODS*

HEROD THE GREAT DID MUCH TO SPREAD THE influence of Roman architecture, and subsequently the civilisation and arts of Rome reached the remote districts of Palestine and Trans-Jordan. The great period of building under Constantine has perhaps not received sufficient recognition. For more than ten years from 325 A.D. onwards Constantine lavished the skill of his builders and much treasure on giving to the sites of Calvary and the Holy Sepulchre a worthy covering. It was his aim to surpass the most ambitious architectural monuments of previous ages, and from a study of the remains the realisation did not fall far short of his ambition.

In order to give a general picture of the work of the Crusaders in Jerusalem a description of the Church of the Holy Sepulchre must suffice. This building of international fame stands in the north-west corner of the Old City, but is concealed from view by the many monasteries, chapels and other ecclesiastical buildings which cluster round it and leave open to view the southern facade. Even this, however, has in recent years been covered by steel shoring erected to prevent the collapse of the fabric of the church and on the recommendations of a special committee appointed to report on the damage done to the structure by recurrent earth tremors and other causes.

Originally a group of small separate churches, rising on the holy sites in the fourth century and after, the Church of the Holy Sepulchre received its present form in the time of the Crusaders who erected one large Romanesque church to embrace the chapels covering the several sites. In 1799 a great part of the church was rebuilt only to be destroyed by fire in 1808. Another comprehensive rebuilding took place in 1810. The eastern dome is part of the Crusader building and escaped the reconstruction of 1810.

The two-storied Romanesque facade is of great interest. The upper storey, as the accompanying photographs show, forms a double portal, the lintels of both doors being adorned with admirable bas-reliefs of the 12th century.

The interior is divided into two principal parts,

the Rotunda and the Orthodox cathedral. The Rotunda, whose central object is the small shrine covering the tomb of Christ, dates in its present form from the 19th century, although the design and dimensions have been meticulously preserved from the earlier buildings. On the other hand the "*Chorus Dominorum*" and transept date from the 12th century, the vaulting over the transept being of particular interest as the earliest known example of the diagonal rib, a feature which differentiates pure Gothic from Romanesque. The chapels of Golgotha are reached by steps leading upwards from the east of the porch while St. Helena's chapel is at a lower level and is reached by a flight of steps descending from the ambulatory.

What renders the Church of the Holy Sepulchre of outstanding interest apart from its sanctity in the eyes of a large portion of mankind, is the fact that it is shared by the representatives of most of the Churches of Christendom. Greek Orthodox, Roman Catholics, Armenians, Jacobites, Copts, and Abyssinians have their appointed chapels and rights within its walls and in it is celebrated almost every known form of Christian liturgy and ritual. During Holy Week and at the other great festivals of the Christian year it offers to the spectator a diversity of the Christian ceremonial visible nowhere else under one roof.

ISLAMIC ARCHITECTURE*

It is not proposed to attempt here a detailed description of the monuments in the old city that can be grouped under this head. The student and others interested in this fascinating subject are directed to the literature on this subject and to the study on the spot of the outstanding buildings of the Old City where almost every stone has its history and significance. The excellent library of the archaeological museum is available at all times as are all the other numerous libraries owned by religious societies in Jerusalem.

The most outstanding monument of Islam in Jerusalem is the Dome of the Rock built by Khalif 'Abd al Malik towards the end of the 7th century and restored in the 19th and 20th centuries. This building is centrally located in the Haram esh Sharif, a superb platform artificially prolonged towards the

* I am indebted to Luke and Keith-Roach's handbook for the brief history of the Church of the Holy Sepulchre, and the Dome of the Rock.

east and south on substructures known in part as "Solomon's Stables," upon which stood the temple of Solomon and its successors. In the centre of the Haram area is an outcrop of naked rock now surmounted by the beautiful mosque known as the Dome of the Rock. On it stood in all likelihood the altar of burnt-offerings of the First Temple; traces of a channel for carrying off the blood which are visible in the rock would appear to confirm this theory. Here or hereabouts stood Hadrian's temple of Aelia Capitolina; here the Khalif Omar built a small wooden mosque which subsequently gave place to the present masterpiece of Moslem architecture; on the rock finally the Crusaders erected an altar when they converted the mosque into the *Templum Domini*.

The dome itself consisting of two wooden vaults was erected in 1022 by Khalif Hakim in place of the original dome which had collapsed six years previously. The mosque is a flat-roofed octagon surmounted by a drum on which is borne the dome. The lower part of the outer surface is covered with marble slabs and the upper with a brilliant series of coloured tiles added by Suleiman the Magnificent in 1561. It is of interest to note that the original kilns in which these tiles were manufactured were discovered in the Haram precincts after the British occupation.

The interior of the building is a marvel of colour and decoration. The roof of the octagon is richly decorated in green, blue and gold. The drum is adorned with sumptuous mosaics by Byzantine artists of the 10th and 11th centuries, but not

the least beautiful feature of the interior lies in the coloured glass of the windows. The rock itself is surrounded by a screen of wrought iron placed there by the Crusaders when they converted the building to Christian use.

Many traditions, Moslem and Talmudic, attach to the rock which is believed to be the centre of the world and the scene of the sacrifice of Isaac. According to Moslem belief it was from the rock that Mohammed was translated to heaven on the back of al Burak his magic steed.

At the southern end of the Haram rises the celebrated Mosque al Aqsa, the "more distant" shrine to which God conveyed the Prophet in a single night. The Aqsa mosque in its present form occupies the site of Justinian's Church of the Panagia, and despite reconstruction by the Khalifs and their successors retains much of the original character of a Byzantine basilica. Important restorations have recently been undertaken in the Aqsa mosque and in the Haram generally by the Supreme Moslem Council.

Enclosing and overlooking the Haram on the west and south are a series of superb "madrasas" and other Saracenic buildings of the highest merit. The Suq al Kattanin or bazaar of the cotton merchants which forms the principal entrance to the Haram area is the most important of the old vaulted bazaars of Palestine and as mentioned in an earlier chapter was preserved from destruction in 1919 through the efforts of the Pro-Jerusalem society. The minaret on the north-western corner of the Haram rises on the remains of the Antonia tower.

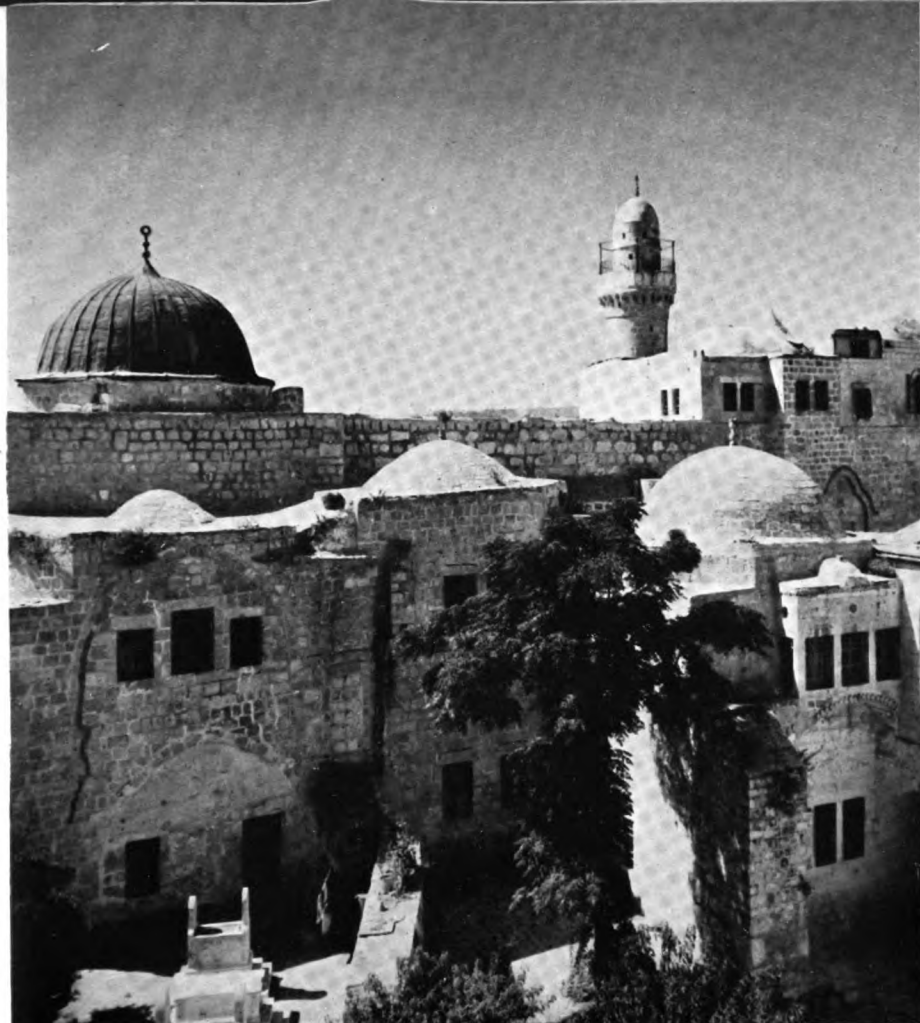
ARCHITECTURAL DETAILS

The details illustrated in this chapter both by diagrams and photographs stress the important fact that a great deal of excellent architectural material exists in the Old City which can be studied with advantage by architects, builders and private persons who are constructing buildings in the newer quarters of Jerusalem outside the walls.

No plea is made for the mere copying of such detail. To one who knows Jerusalem fairly well, however, the spacious scale and good taste in design of the majority of this detail is most impressive. There can be no doubt that throughout the ages the master-masons handling Jerusalem stone knew the qualities of their material, its limitations as well as its advantages. The internal courtyard treatment of many of the buildings of the Old City is generally familiar. One of the great criticisms which can be

levelled against the architecture of the new town is that the lessons of the past with regard to the layout and use of these courtyards appears to have been overlooked or forgotten. Whether for a public building or for a modest dwelling house there can be few better treatments than the building of the main rooms around an enclosed or partly enclosed courtyard. This system goes back to ancient Greek and Roman days and is probably very much earlier in conception if one did but trace its history in the Near East.

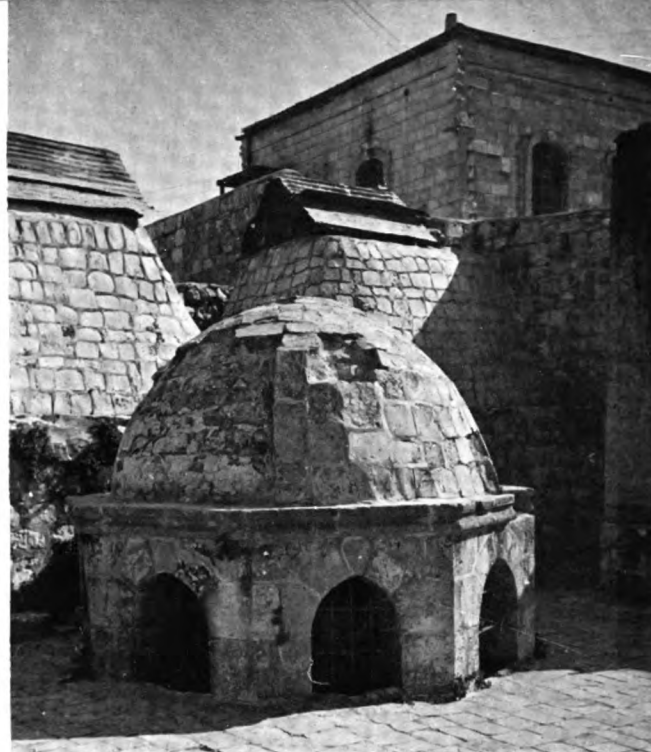
To the casual visitor the Old City probably presents few attractive details after the well known sites and outstanding historical buildings have been visited. This is a misconception as a careful study of the photographs and diagrams in this chapter will reveal.



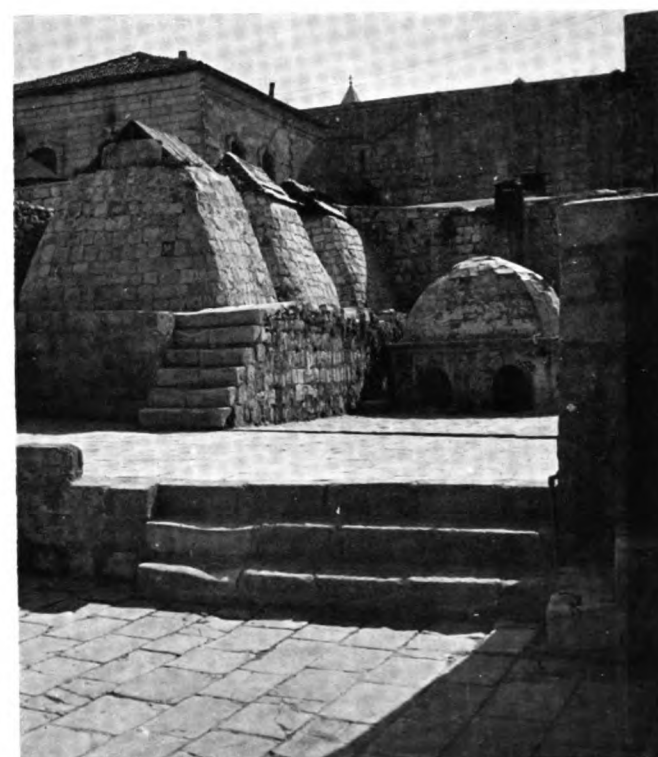
86

DOMES

- 86. Various types in the Mount Zion area
- 87. Stone dome on octagonal arched base
- 88. Pyramid domes of unusual shape in the Moslem quarter
- 89. The roofs above David Street
- 90. Dome of Church in Christian quarter

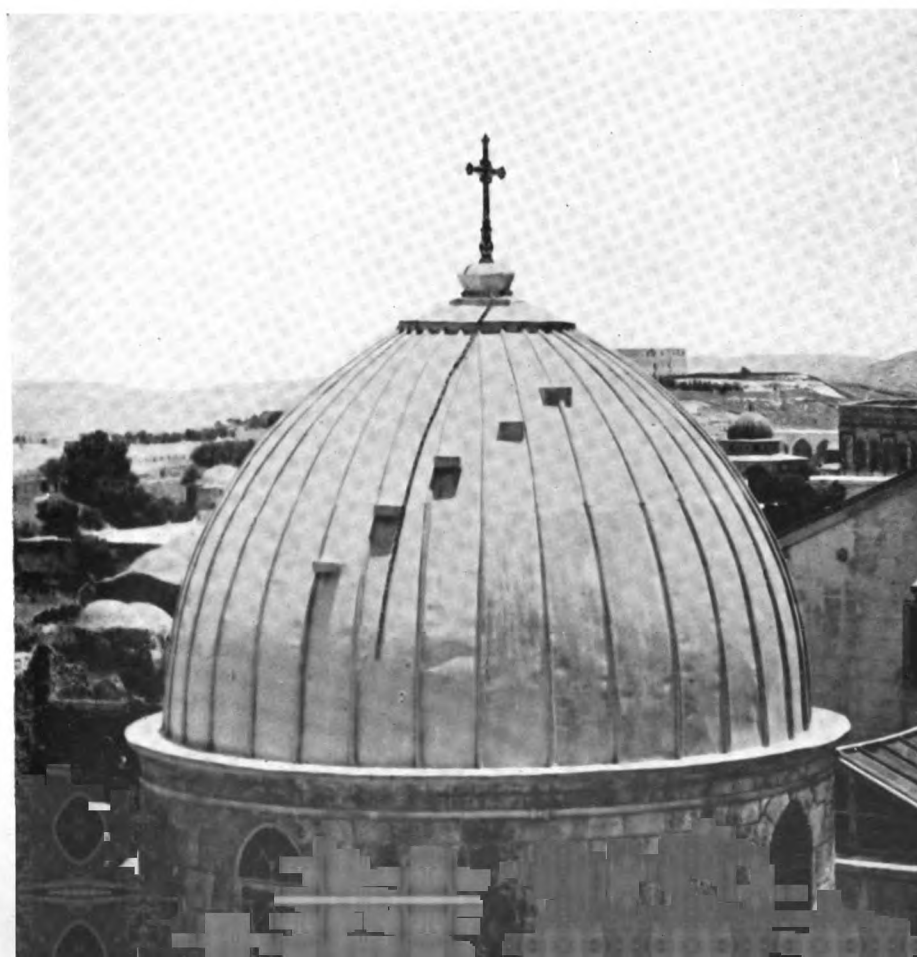


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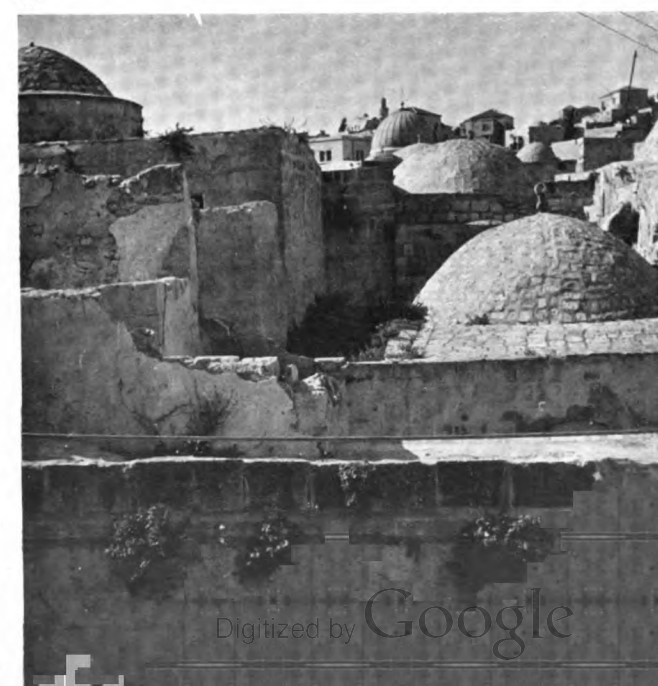


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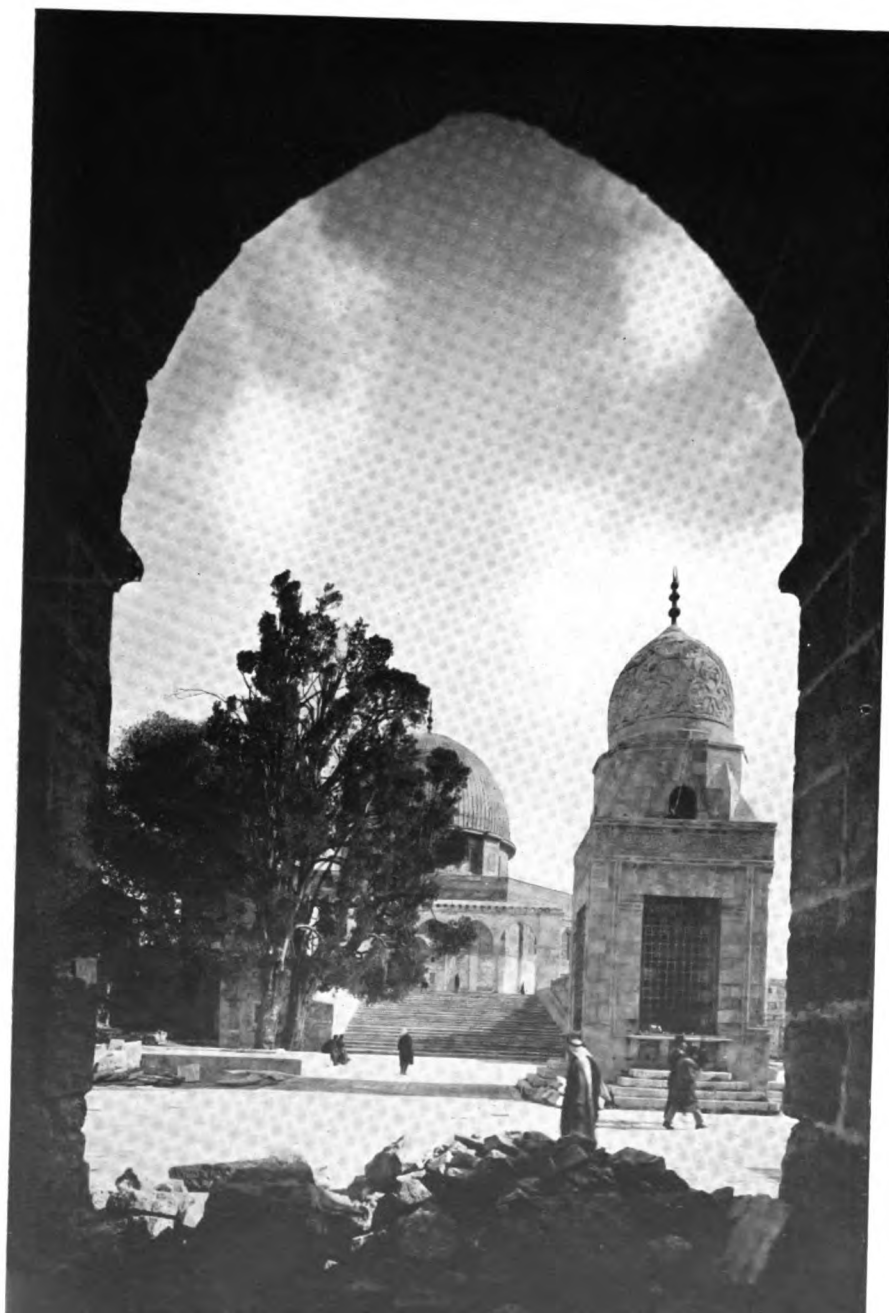




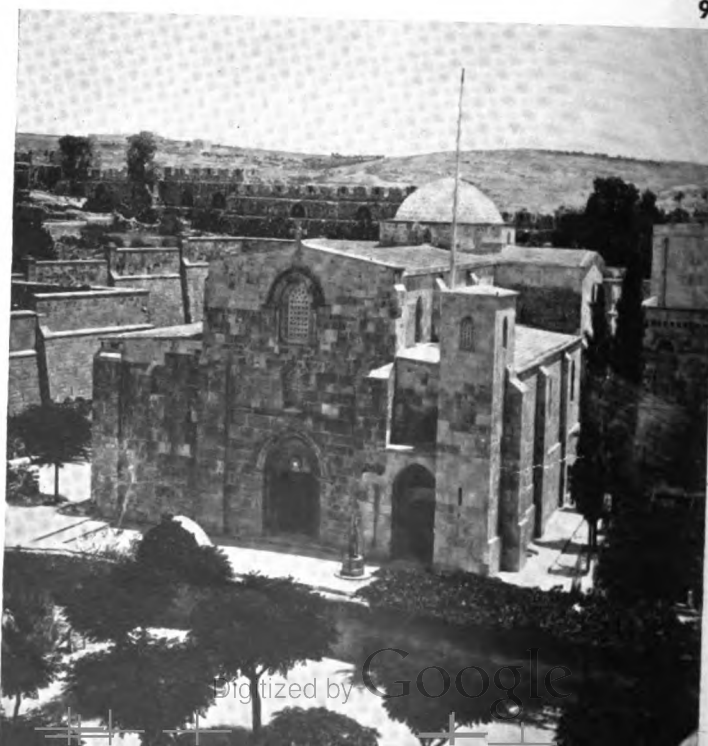
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- 91. Dome of the Rock. Haram-esh-Sherif
- 92. Saracenic dome of tomb west of the Dome of the Rock
- 93. Crusader Church of St. Anne
- 94. The Russian Church, Garden of Gethsemane
- 95. Church of the Holy Sepulchre. South Entrance
- 96. Church of the Ascension, Mt. of Olives
- 97. Dome of the Church of St. John the Baptist
- 98. Great Dome, Church of the Holy Sepulchre

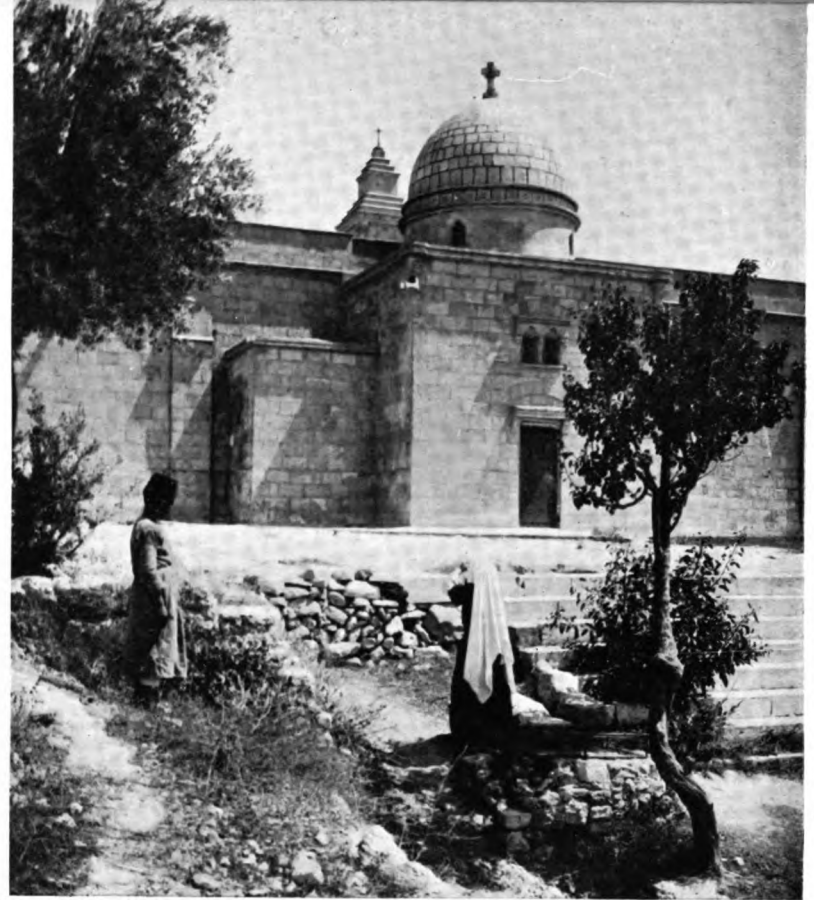


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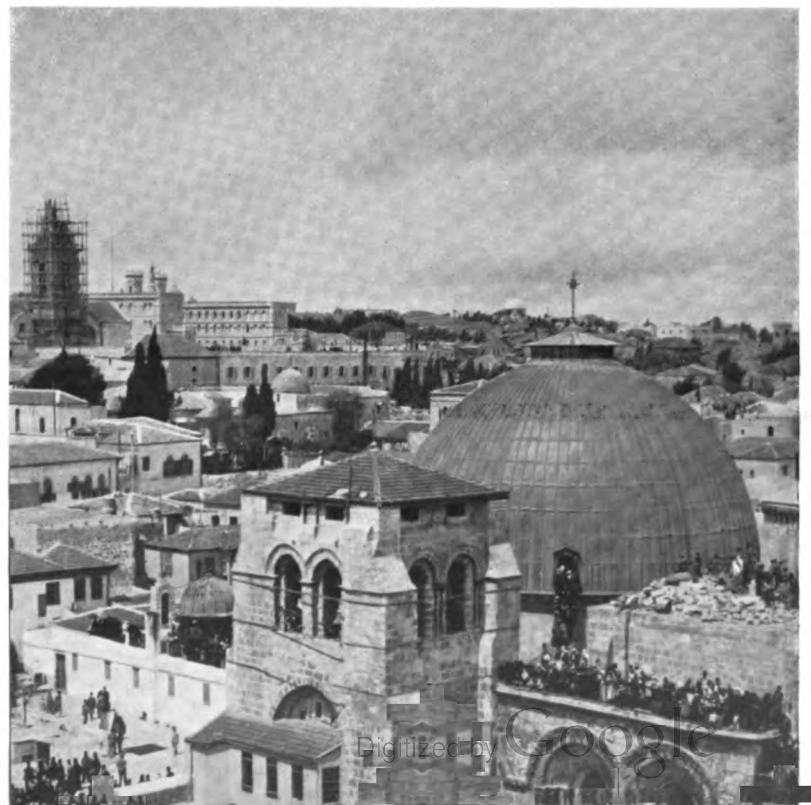
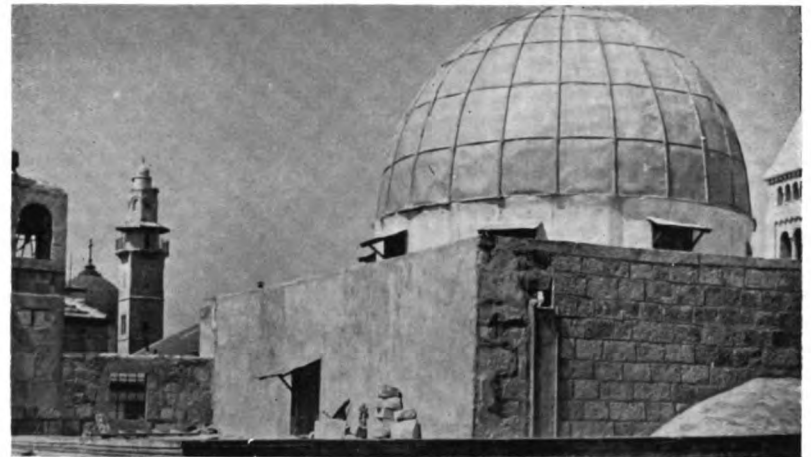
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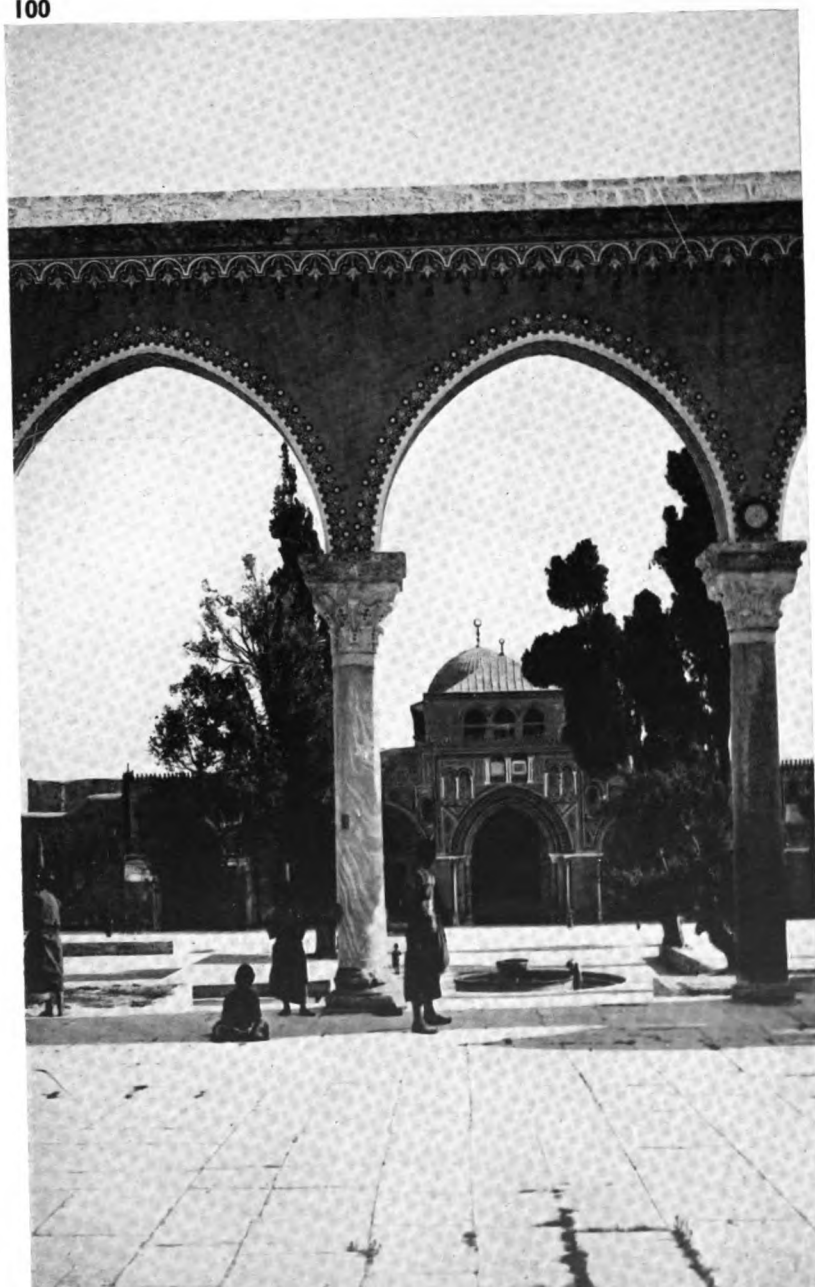
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102

MINARETS AND ARCADES

- 99. Minaret near Wailing Wall
- 100. Ornamental arches. Haram-esh-Sherif
- 101. Minaret at north west angle of Haram enclosure

- 102. Typical vaulted roof of market in Moslem quarter
- 103. Arcade of Church of All Nations, Gethsemane
- 104. Saracenic arcade in the Haram Wall

103



104





105

COURTYARDS AND ARCHED ENTRANCES

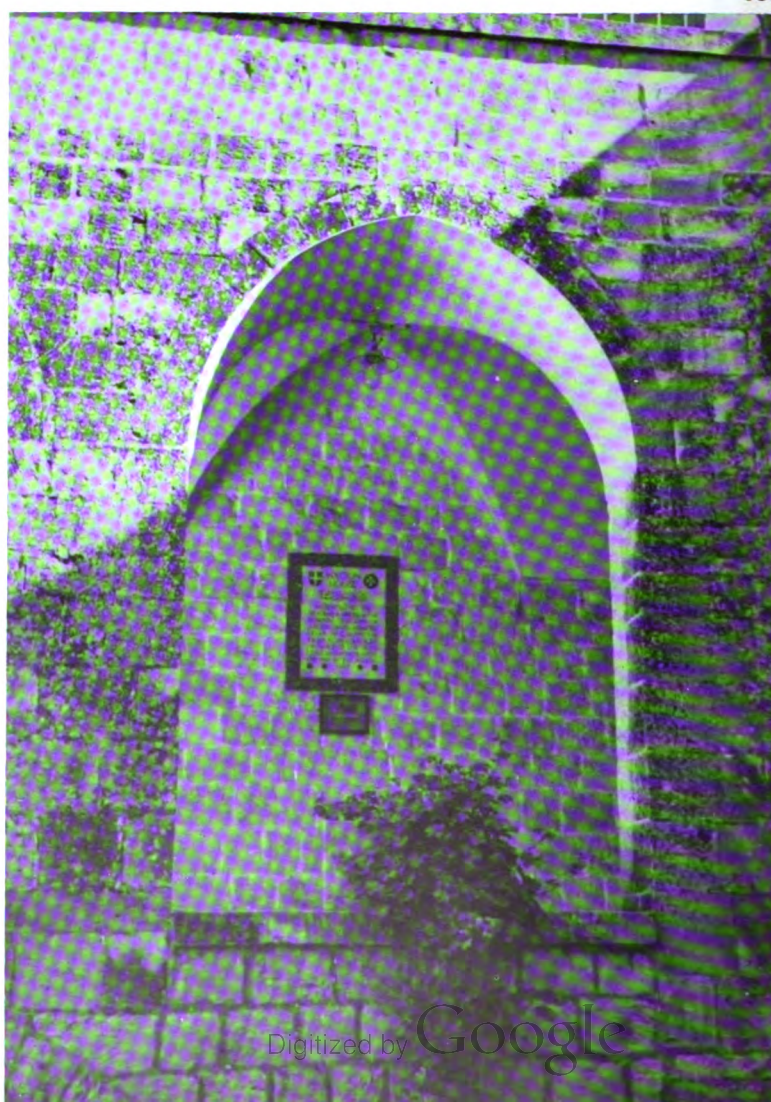
- 105. Corner of courtyard in the Armenian quarter
- 106. Vaulted passage connecting two footways
- 107. Courtyard wall of Watson House, David Street

- 108. Typical stone paved covered street
- 109. Oriel on dual arches and corbels
- 110. Spacious internal arcade, Armenian quarter

106



107





108



109



110



111



112

DETAILS IN THE ARMENIAN QUARTER

111. Two storeyed arcade enclosing main courtyard

113. Another court with cypresses, and external stairs

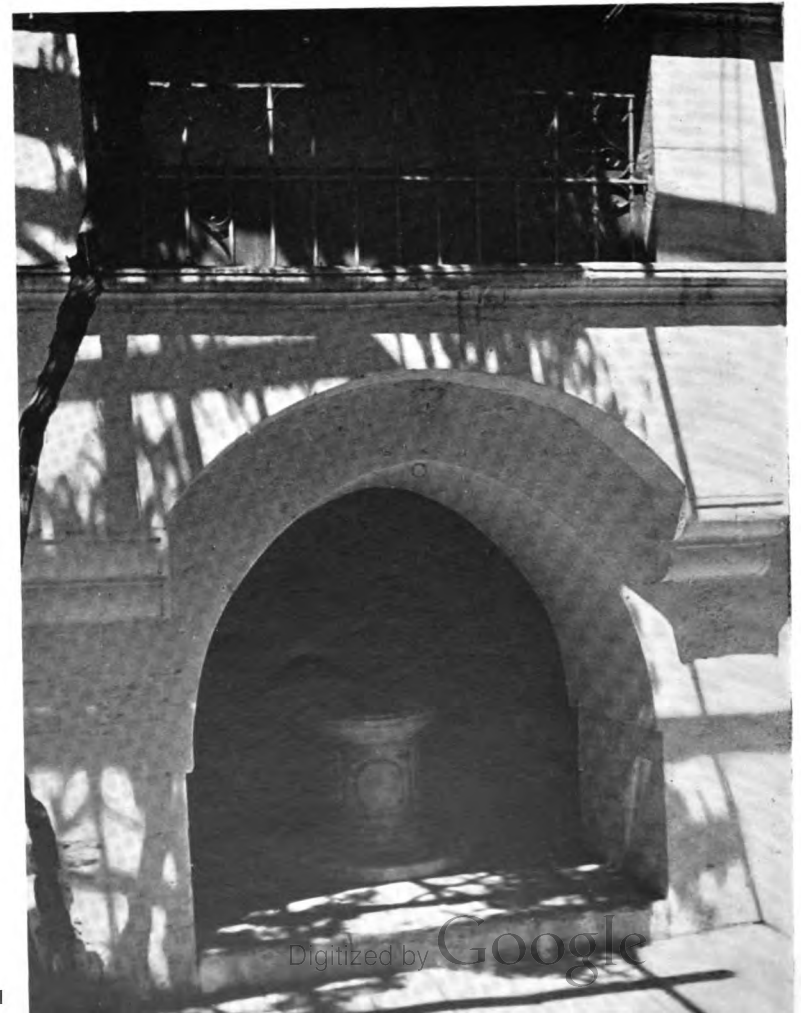
112. Another view showing vine and trellis

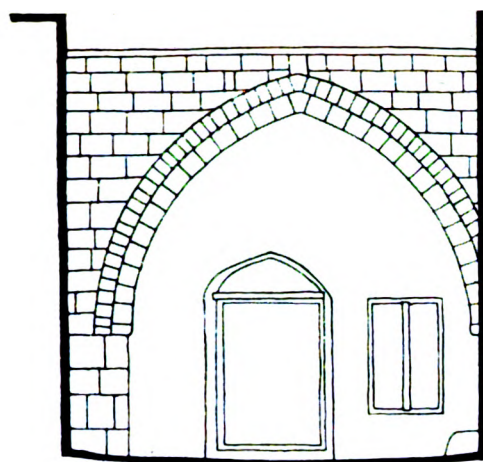
114. Details of arches and corbels

113

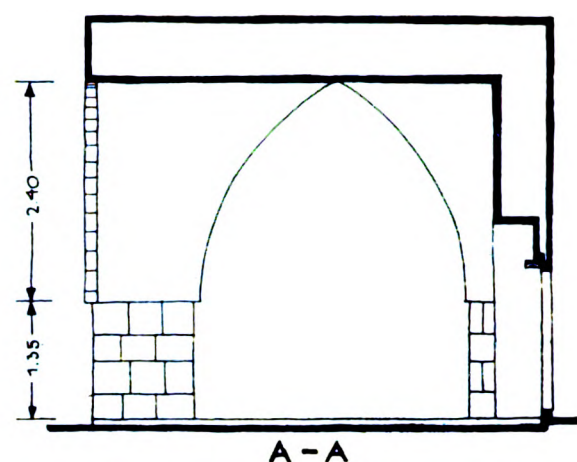
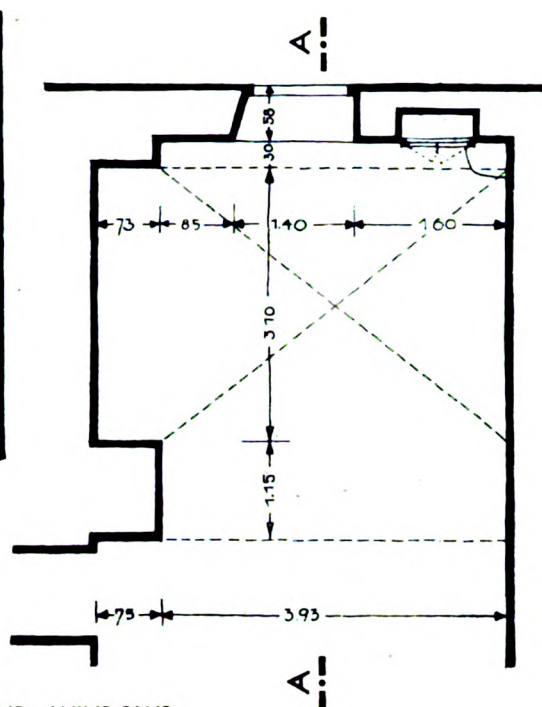


114





115



A - A

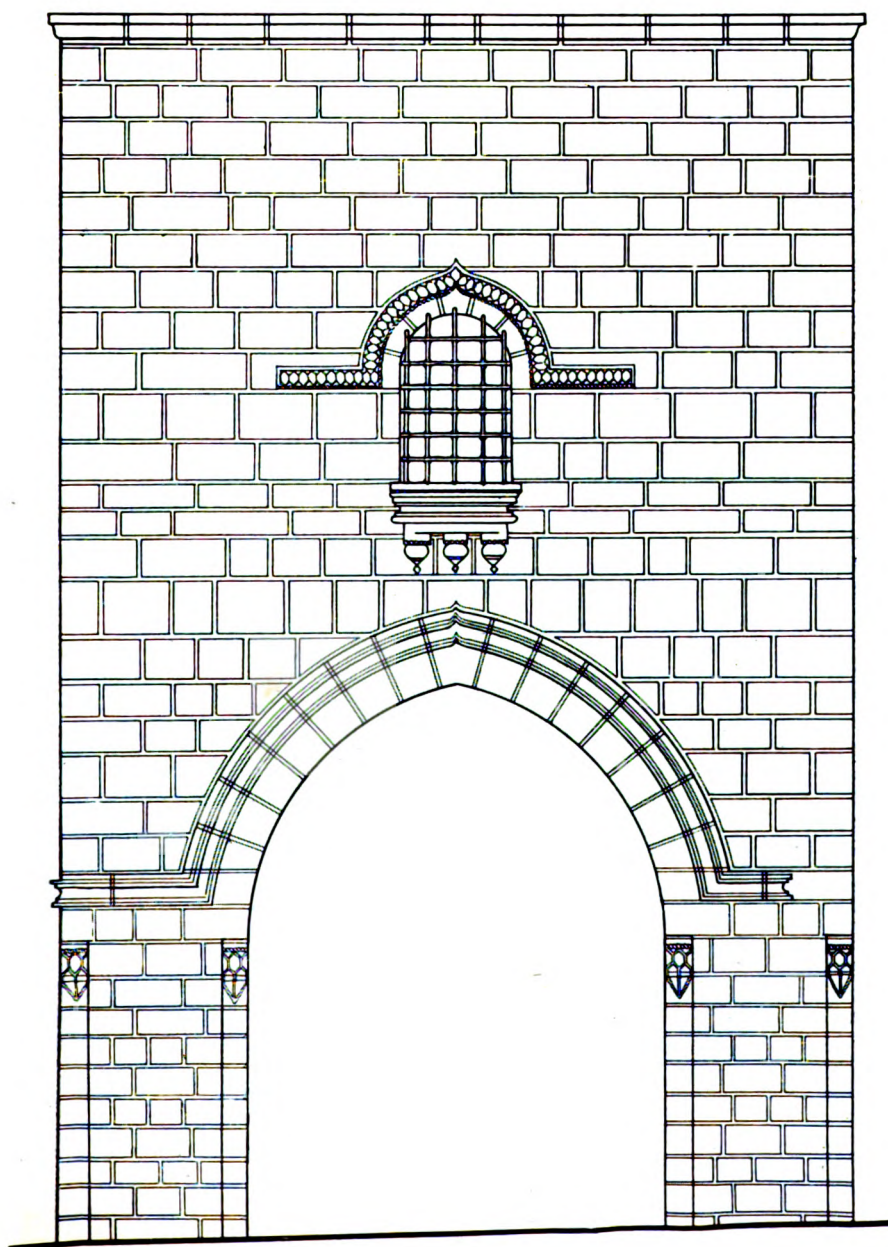
DOORS AND WINDOWS

115. Drawing of typical pointed archway giving access to private courtyard

116. Photograph of 115, showing general position

117. Drawing of tower in the Armenian quarter showing oriel with grille over pointed archway

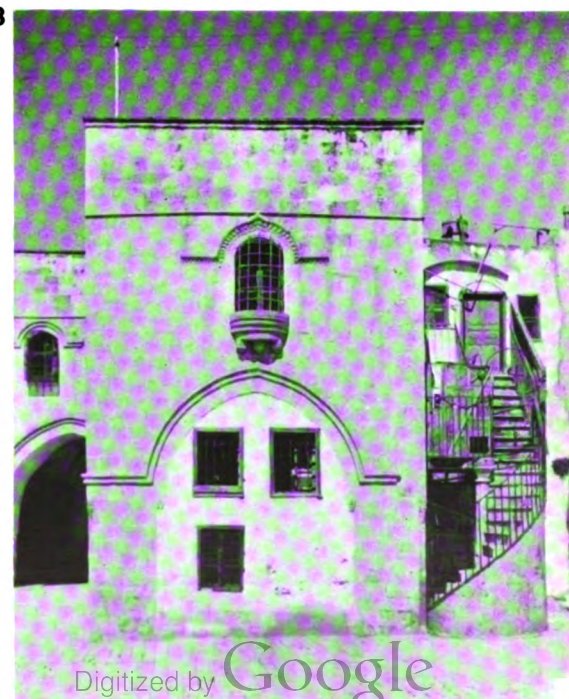
117

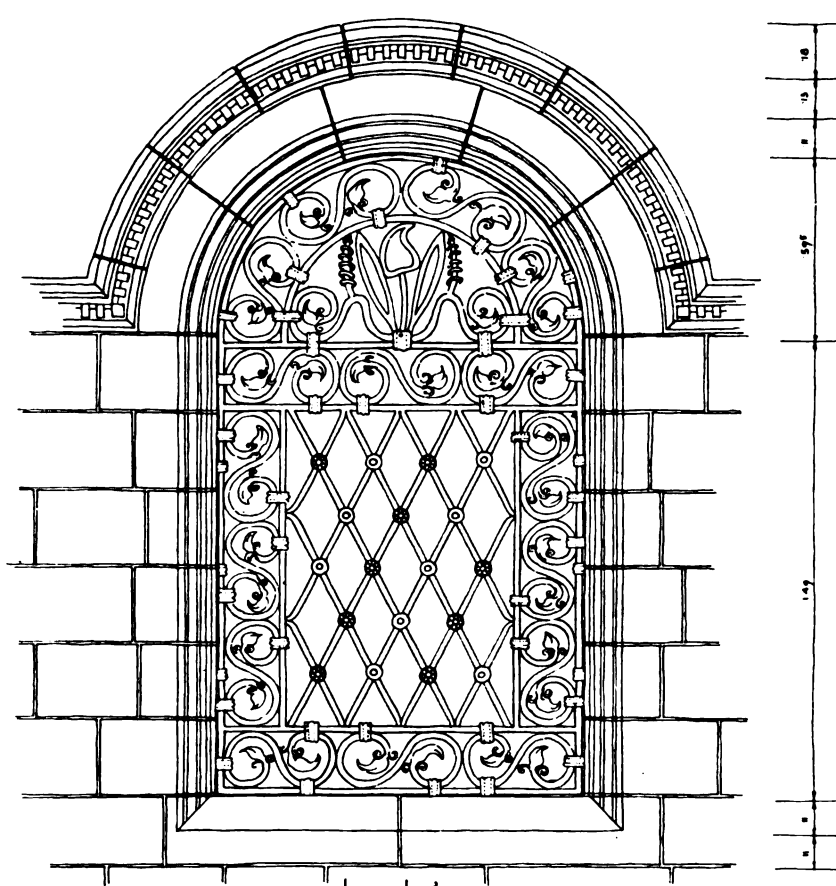


116

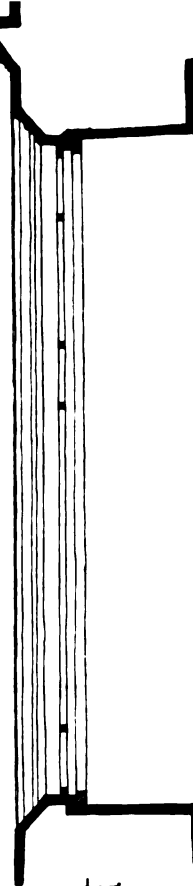
118. Photograph of 117 with external spiral stone stairs

118





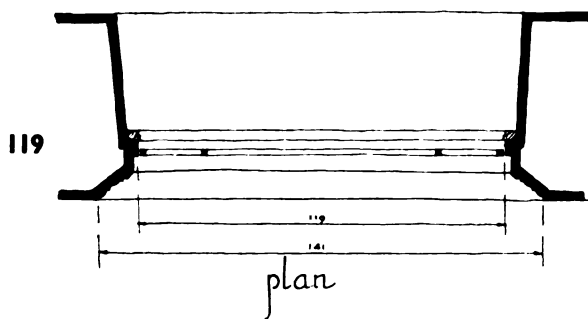
elevation



section



120

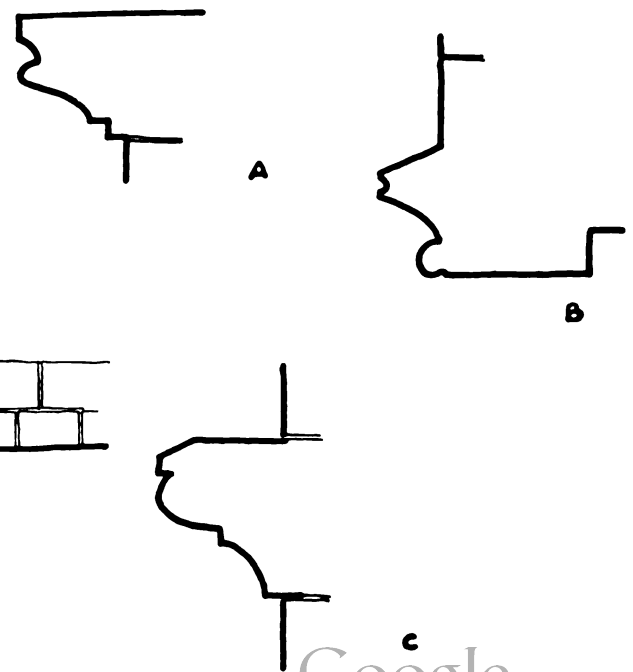
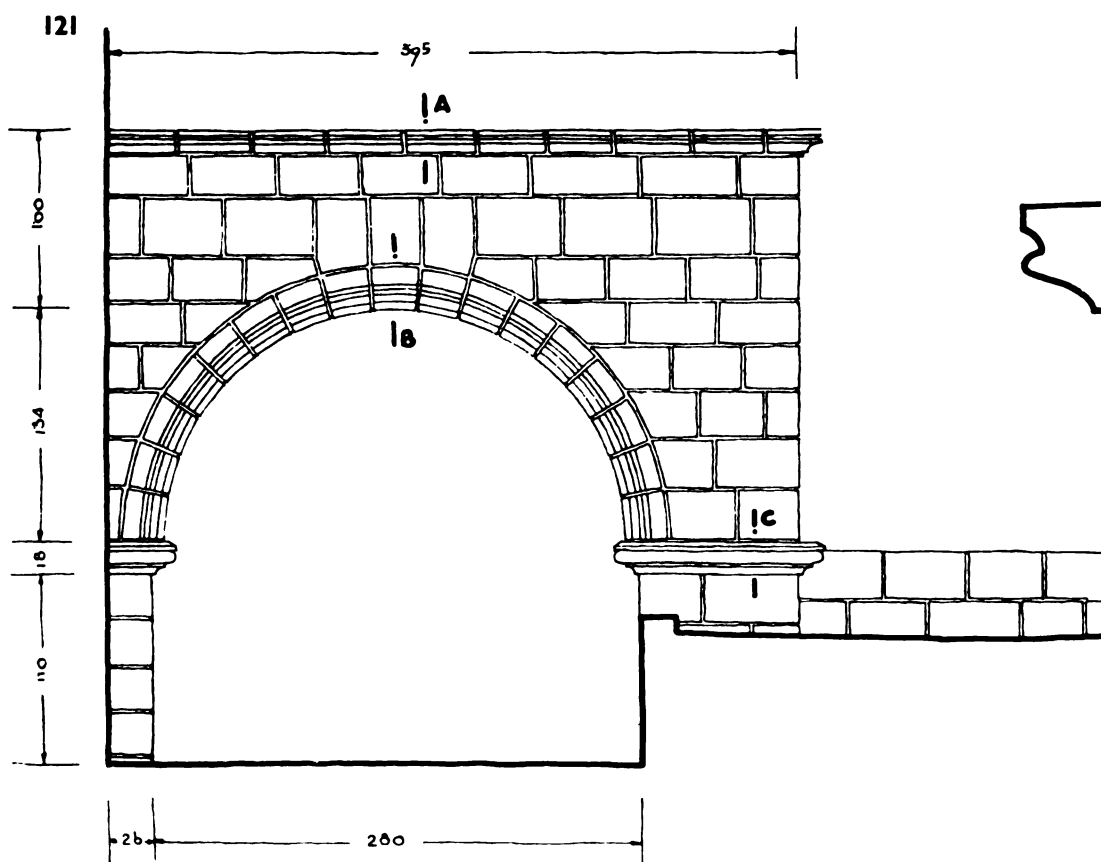


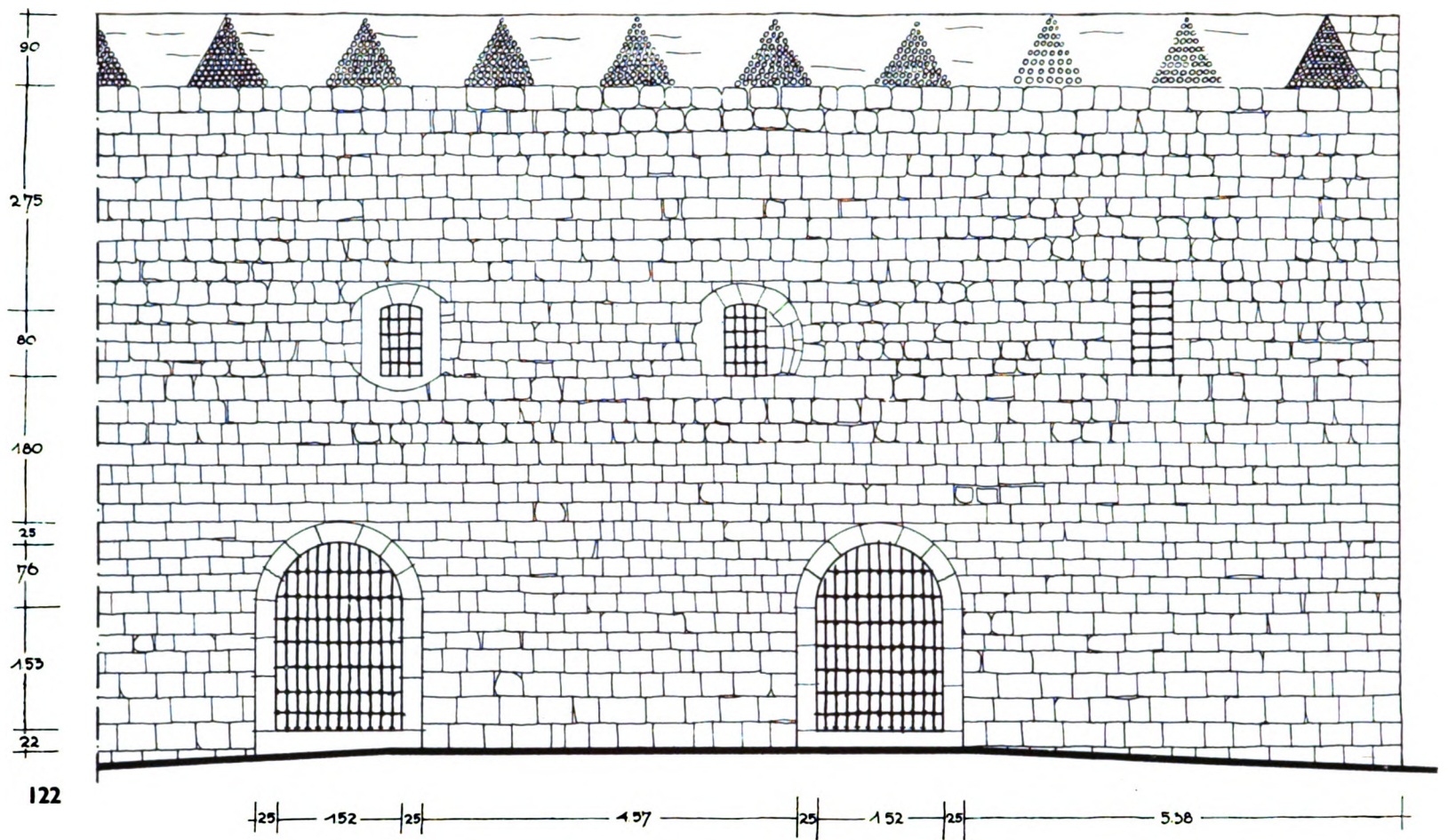
plan

119. XIXth century iron grille to window in Synagogue in Jewish quarter

120. Photograph of 119.

121. Round arched entrance to private courtyard

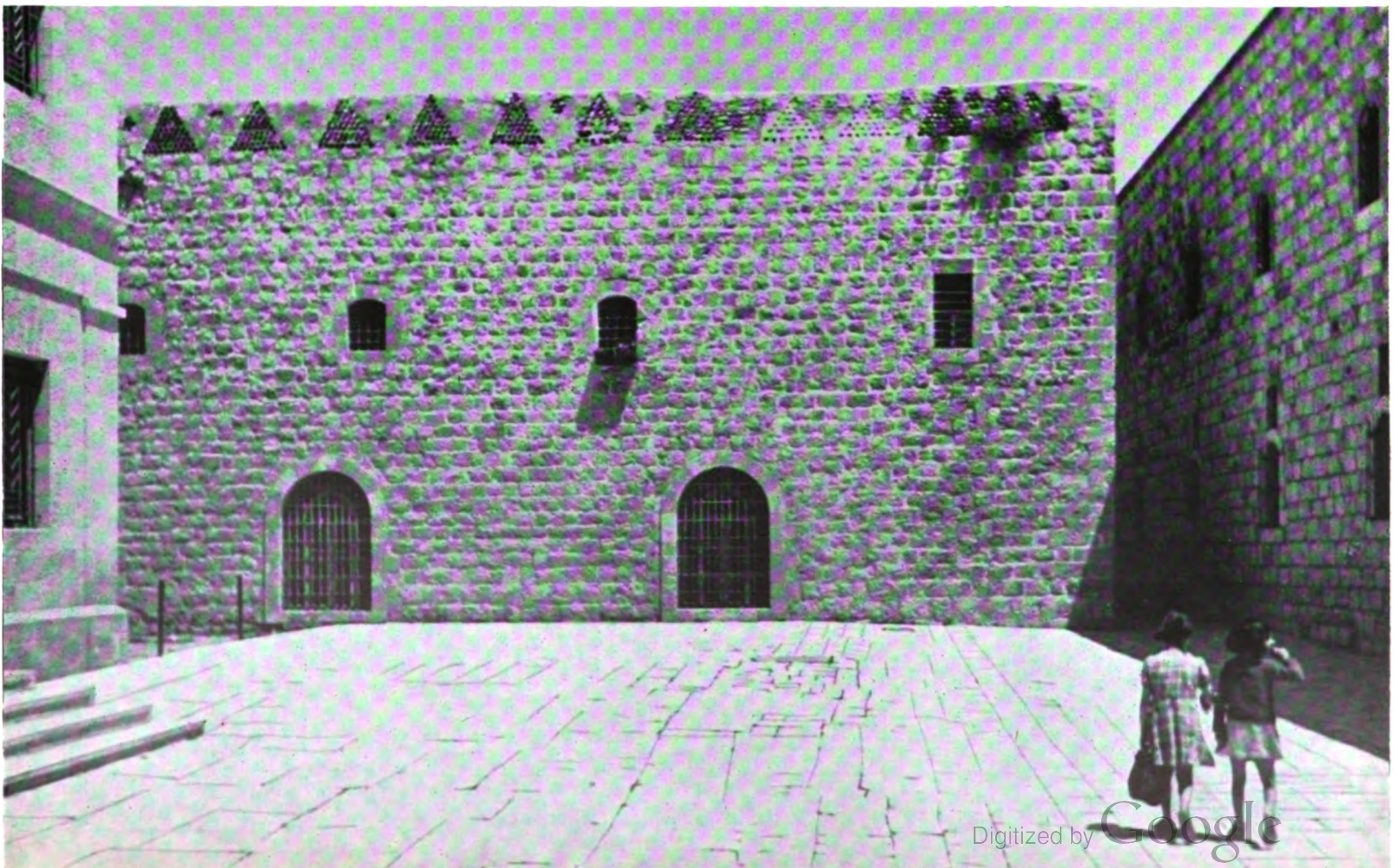


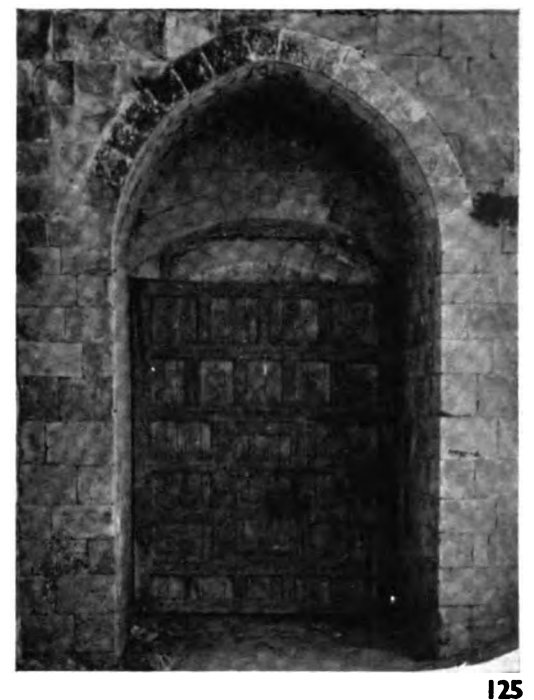
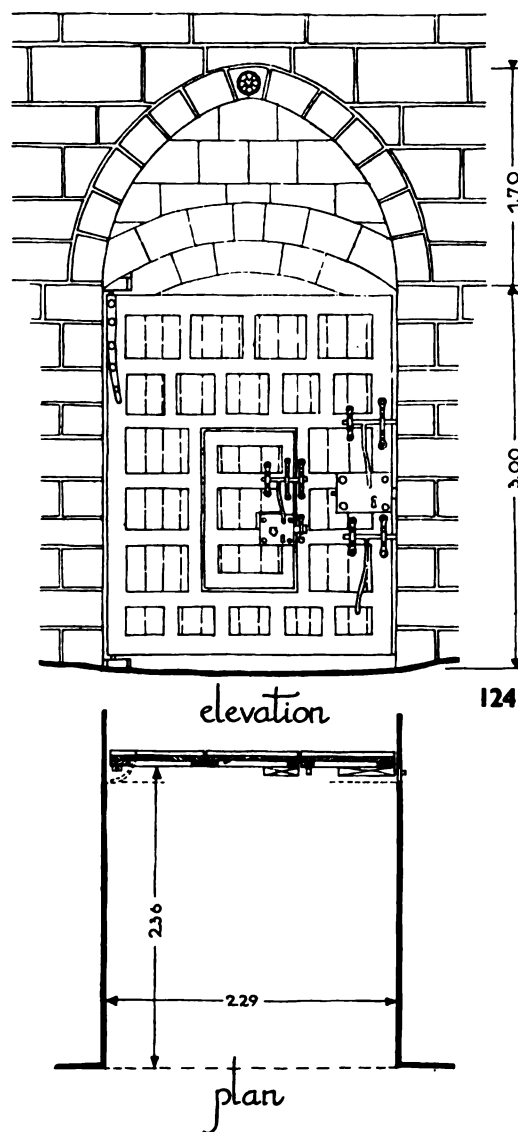
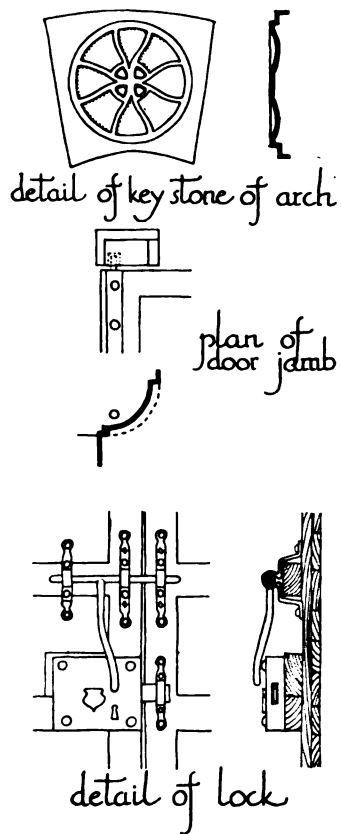


122. Drawing showing various types of stone dressings commonly used, iron grilles and parapet wall with triangular hollow tile insertions

123. Photograph of 122

123



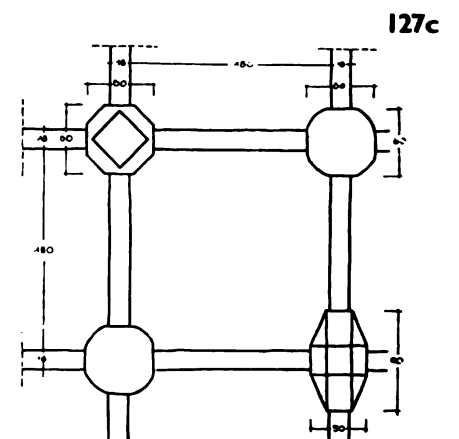


125. Photograph of 124

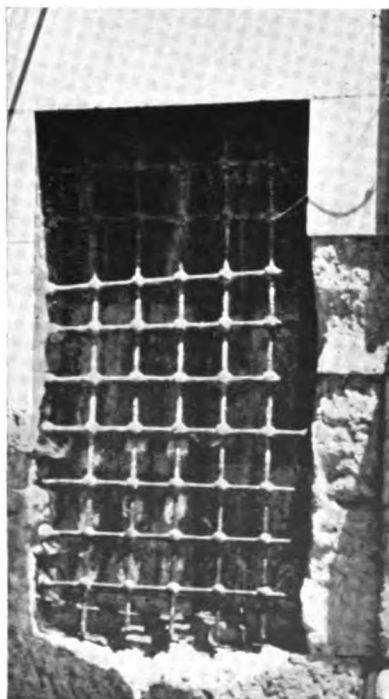
127a, b, c. Detail of 126

124. Detail of external door and surrounds in the Armenian quarter

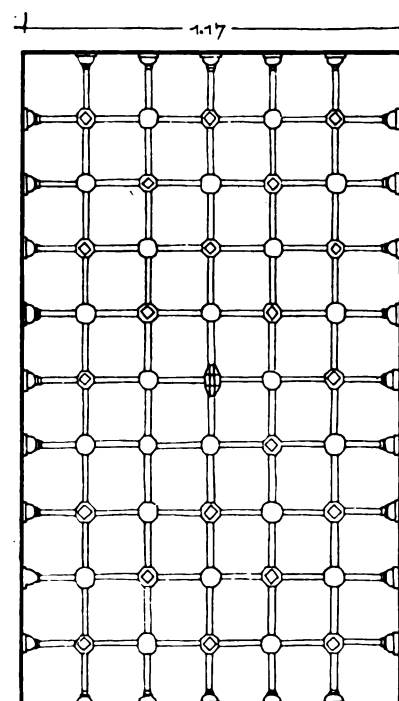
126. A superb example of a medieval bronze window grille in the Street of the Chain, Moslem quarter



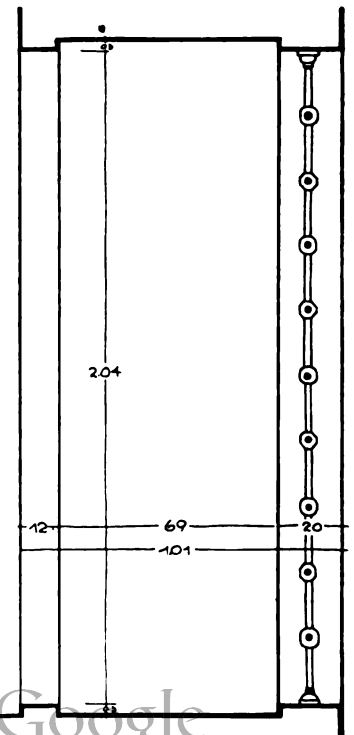
126



127a



127b

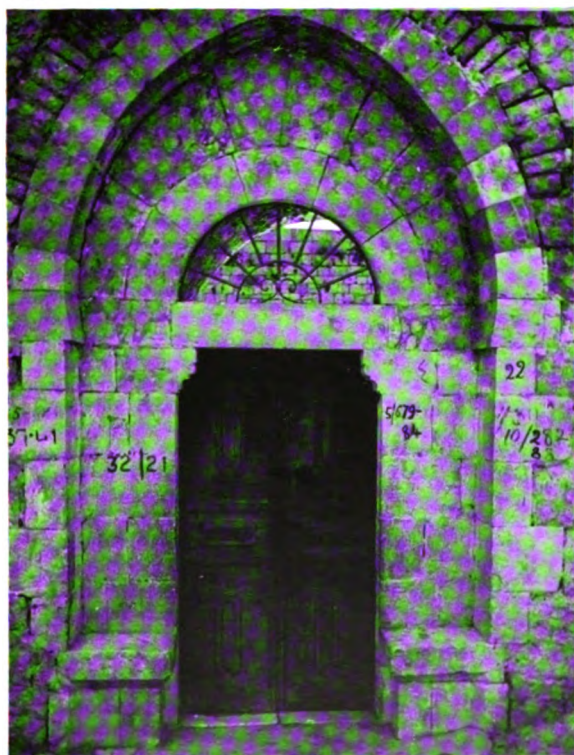




128a & b. Details of Bronze knocker and stone terminal



130. Drawing of 129





131. Medieval entrance door re-erected in the Church of the Redeemer

131

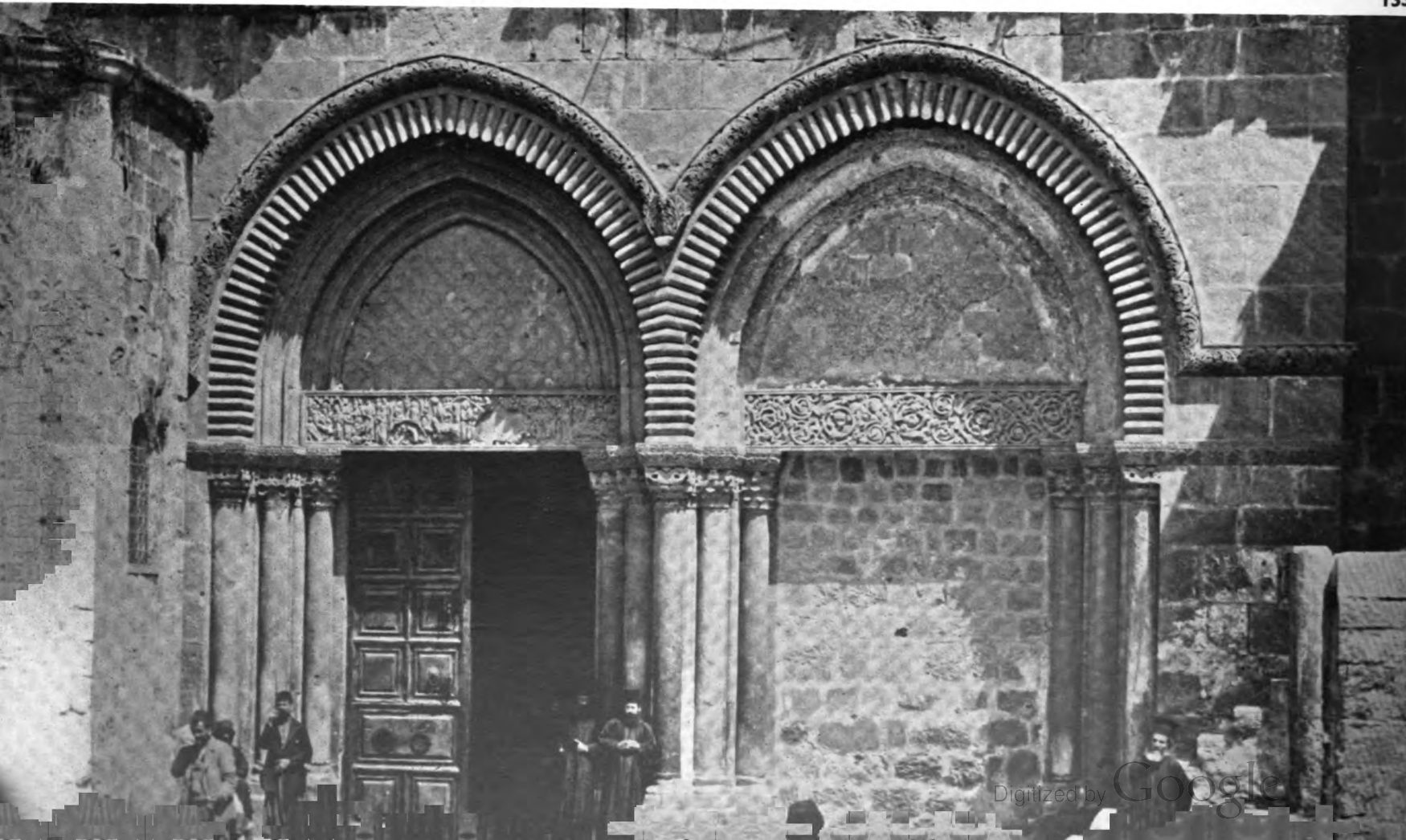


132

132. Detail of door, porch and campanile of the Church of St. John the Baptist, Christian quarter

133. The magnificent Crusader entrance to the Church of the Holy Sepulchre, now obscured by shoring

133





134



135



136

CHURCH OF THE HOLY SEPULCHRE

134. Detail showing beautiful carved capitals and abacus

135. Another detail of the cluster of columns

136. A Byzantine capital and column inserted in the wall of the courtyard

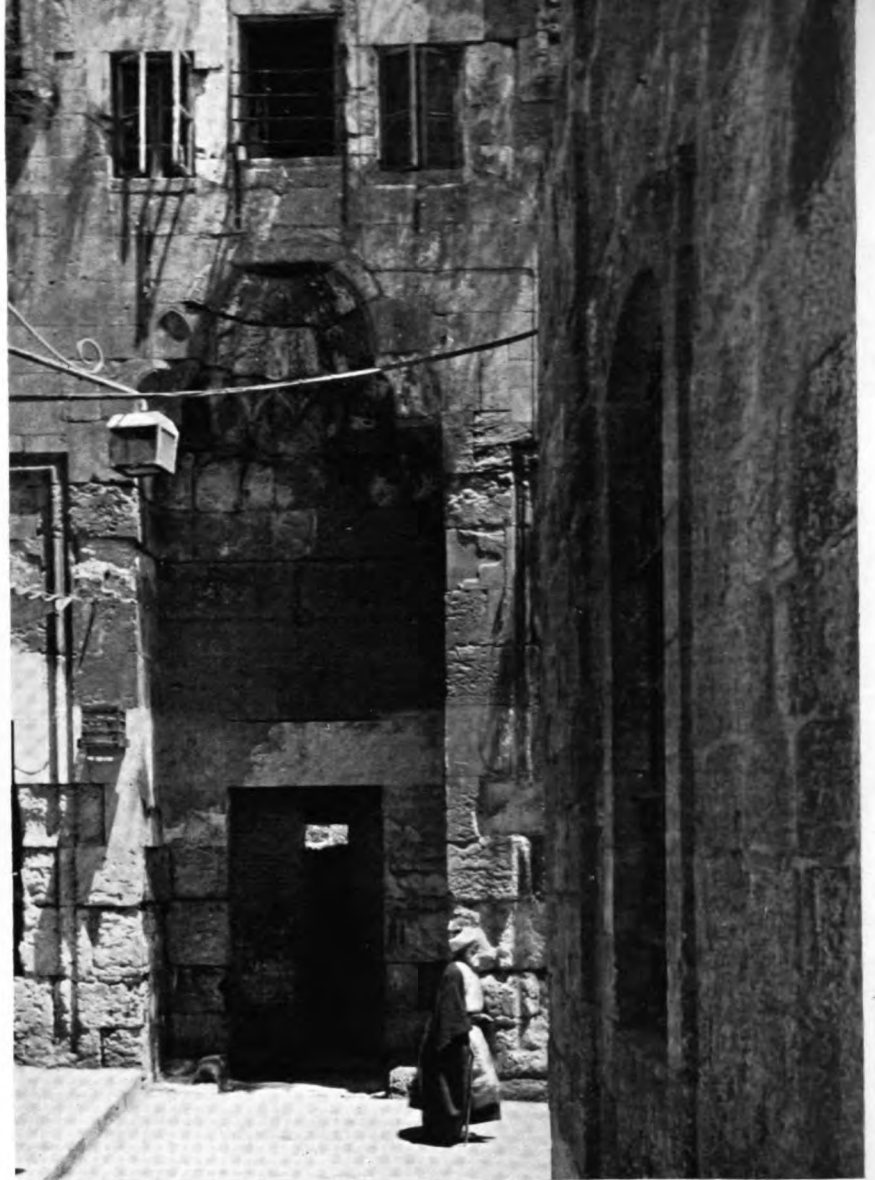
137. Details of the carved freize over doorway now walled up

137





138
140



139

138. Saracenic arch over the entrance doorway in the Moslem quarter

139. Another similar arch showing extreme height in relation to width



141

140. Decorative stonework in Saracenic arch,
typical of the period

141. The south entrance to the Dome of the
Rock, showing Byzantine detail

142. Entrance door within double arches to
the Church of the Tomb of the Virgin

143. Exquisite ironwork in the entrance to
the Armenian Church of St. James

144. Main door in recessed archway leading
to the Armenian quarter

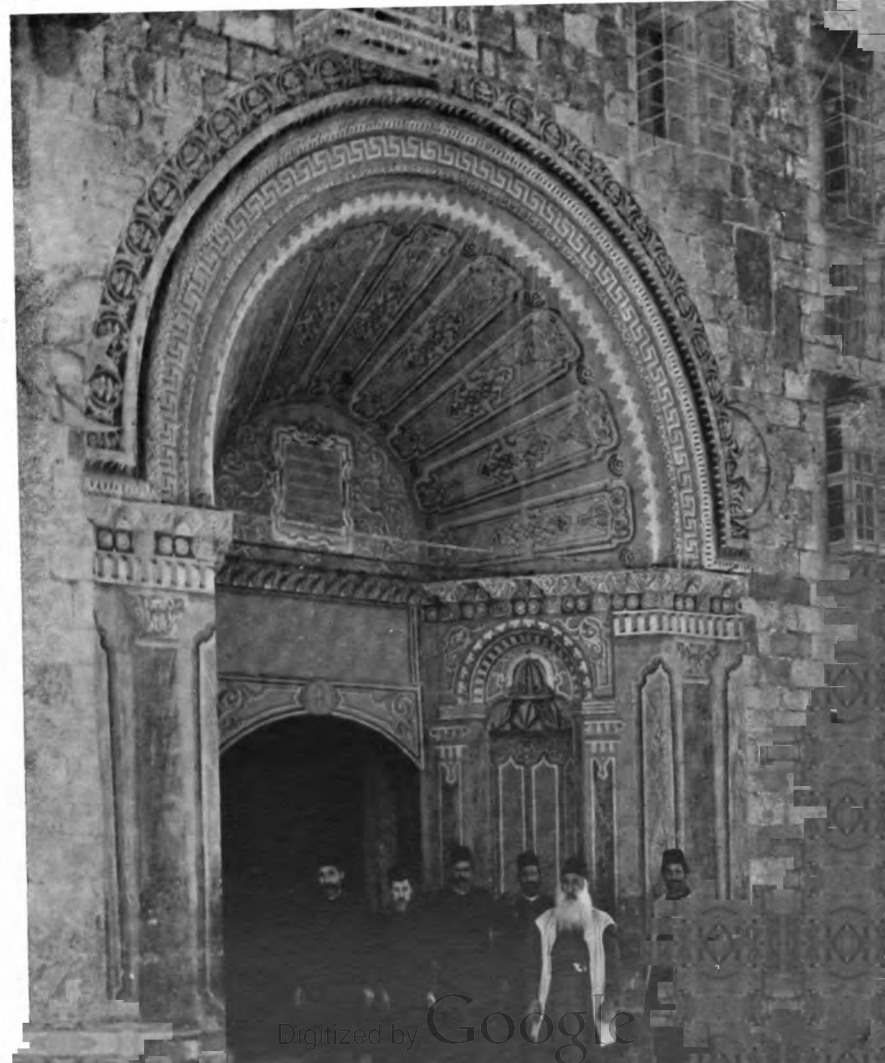


142

143



144





145
147



146



ORIELS, DOORS AND WINDOWS

- 145. Latticed projecting window in the Christian quarter
- 146. Another view
- 147. Wooden door showing panels and incised decoration
- 148. Dual latticed windows with carving
- 149. Another example in the Moslem quarter
- 150. A simple type often encountered
- 151. A heavier type with an oriel character
- 152. Another view of 151, seen in between the street buttresses

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151



150
152





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154

153. Projecting windows in a street near the Dome of the Rock

154. Open verandah to Watson House, property of the Order of St. John

155. Overhanging windows in typical stone paved street

156. Double-arched entrance to David's Tower in the Citadel

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157



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159

INTERIORS

- 157. XXth century interior of the Church of the Dormition on Mt. Zion, belonging to the Benedictine fathers
- 158. Medieval vaulting in the room of the Last Supper
- 159. Typical altar, showing ikons, carving and decoration in the Greek Church of St. Simeon, Katamon





160
161



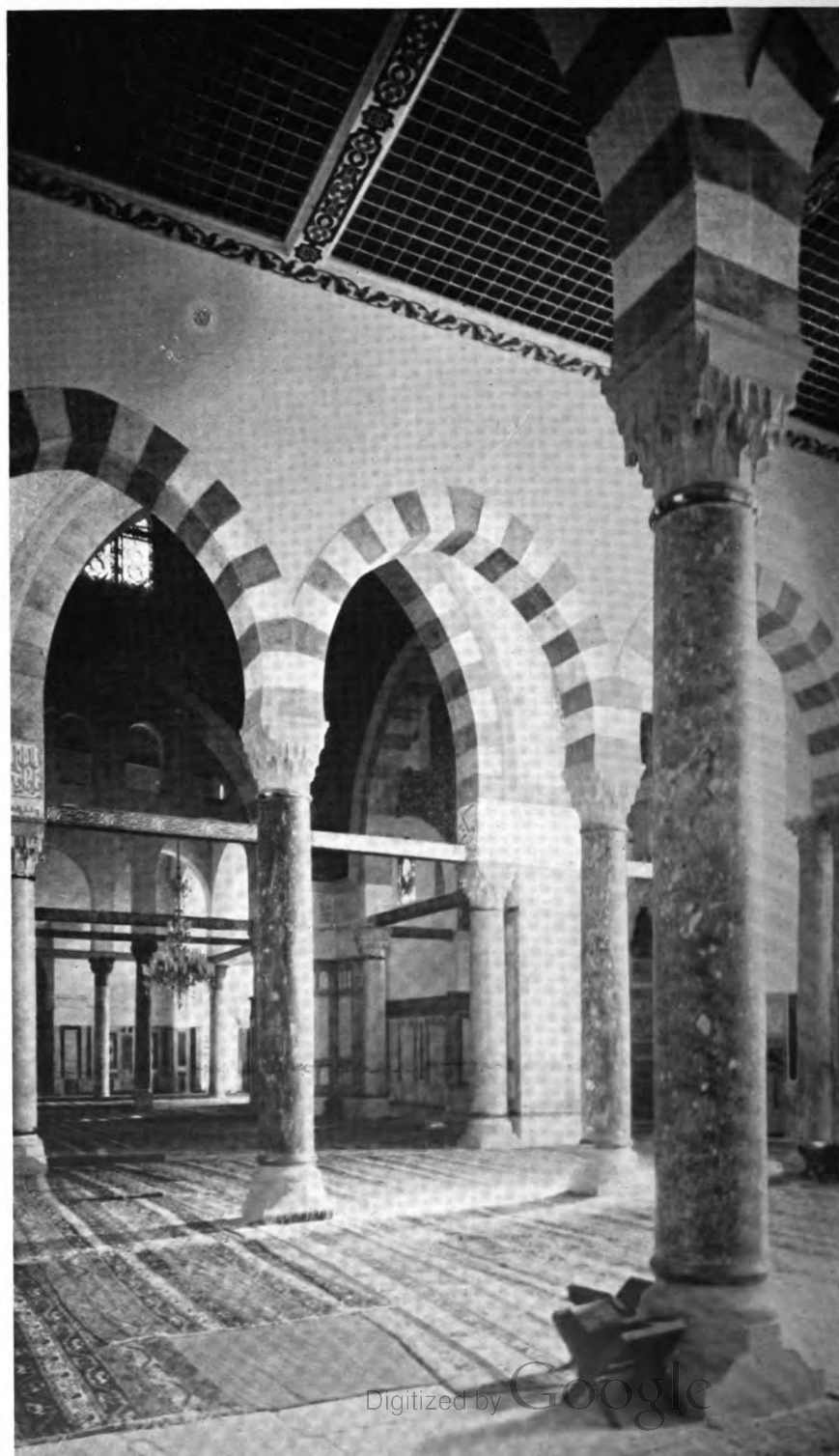
AQSA MOSQUE

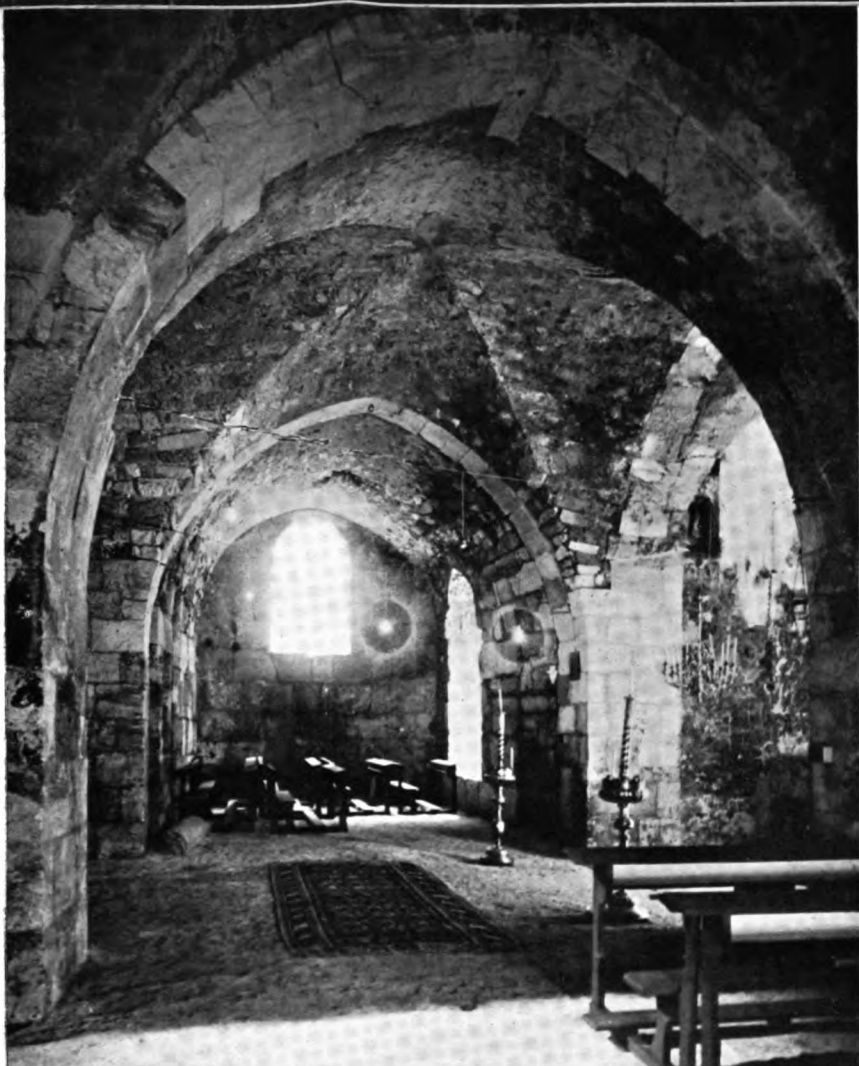
- 160. Prayer niche with beautiful carved columns
- 161. Detail of mosaics and marble decoration
- 162. View showing pointed arches and other details

VAULTING

- 163. Crypt of the Church of St. John the Baptist
- 164. Interior of vaulted building showing Roman influence
- 165. Another view illustrating the fine scale of the interior
- 166. Interior of the Chapel of St. Helena adjoining the Church of the Holy Sepulchre

162

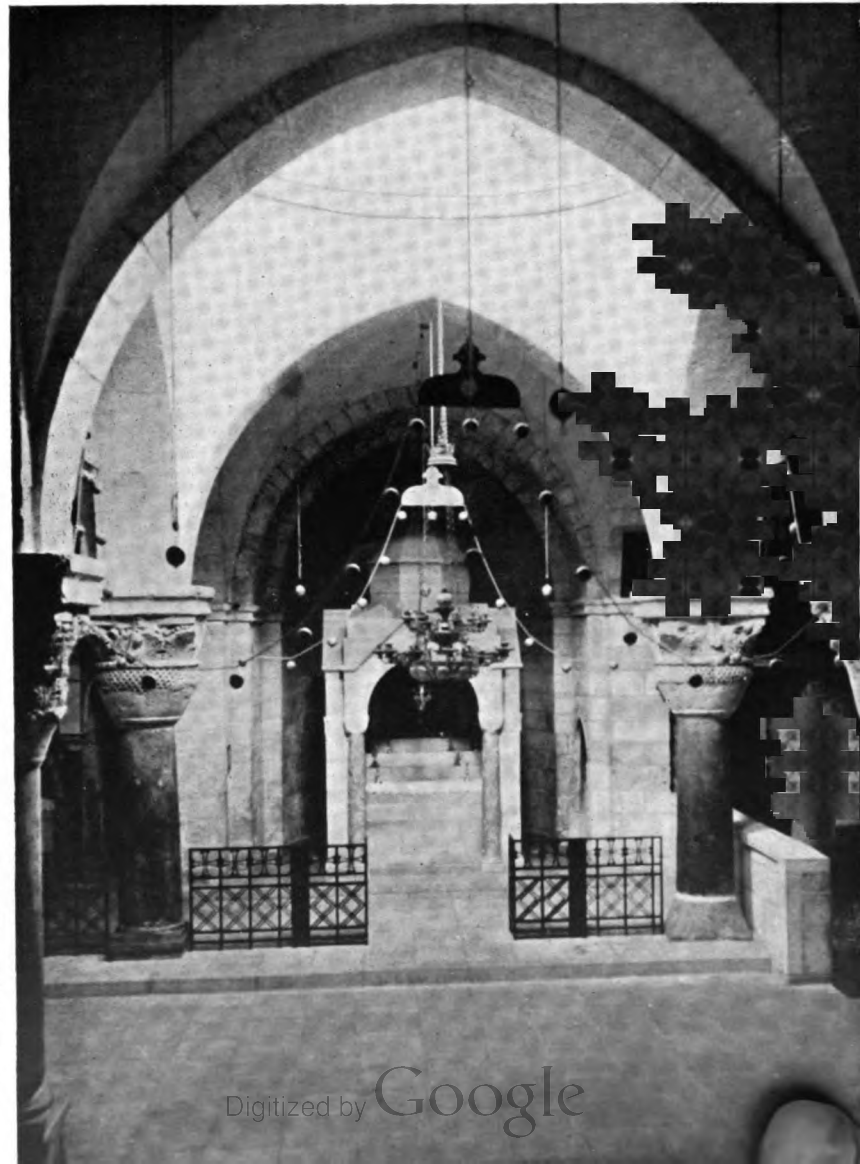
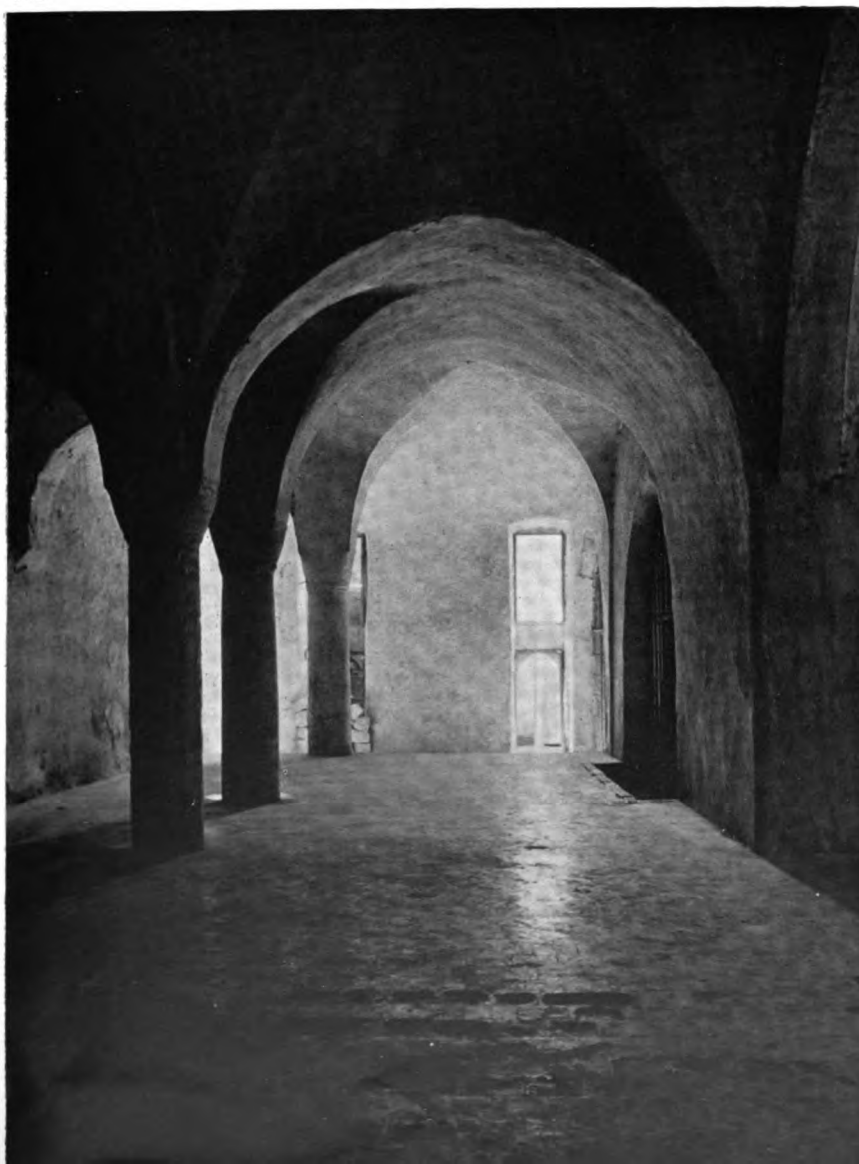


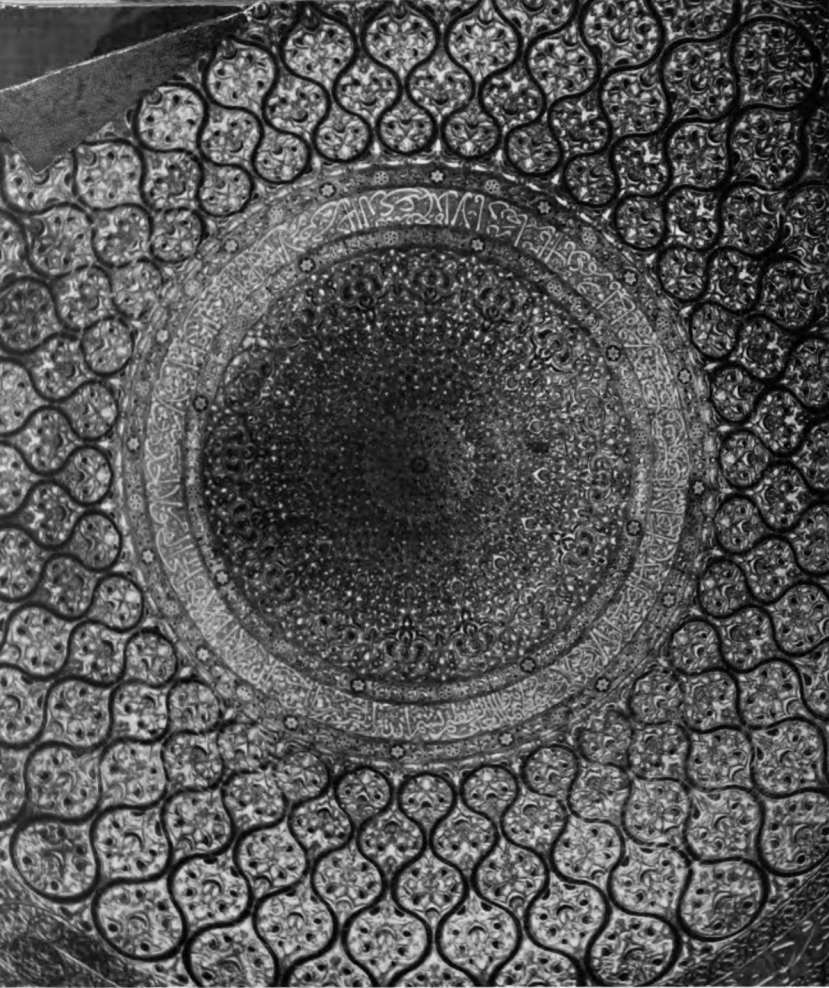


163
165



164
166





167

DOME OF THE ROCK

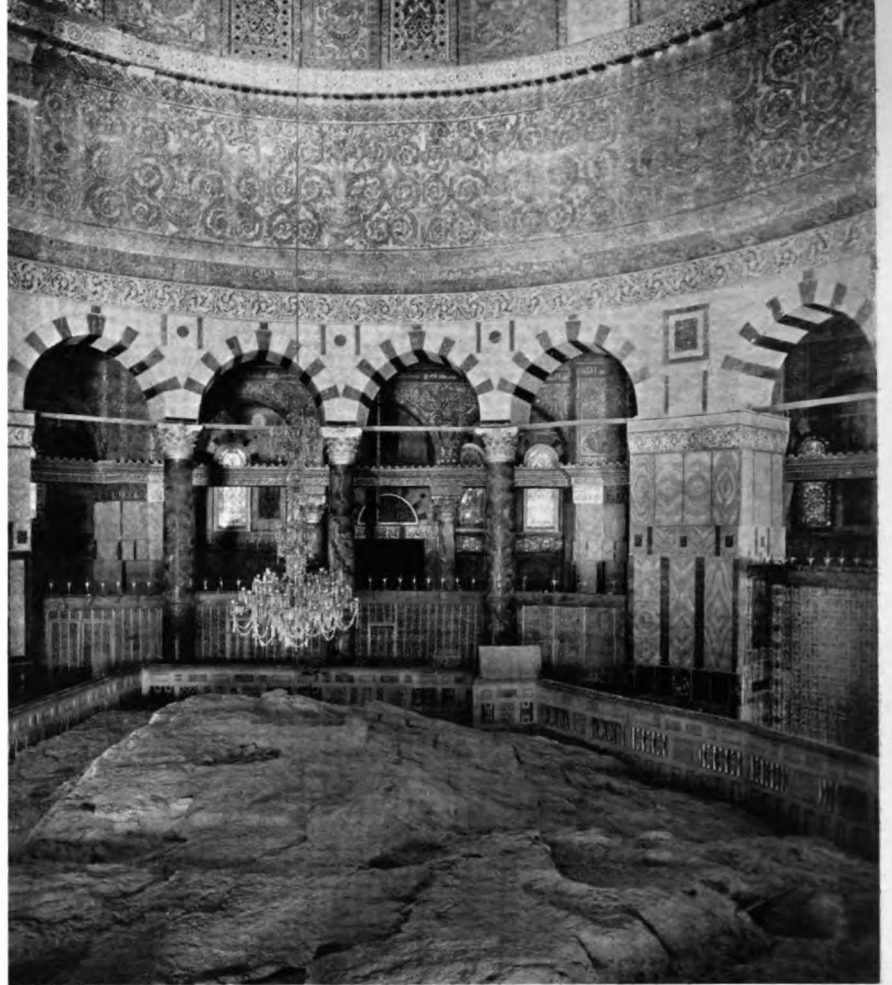
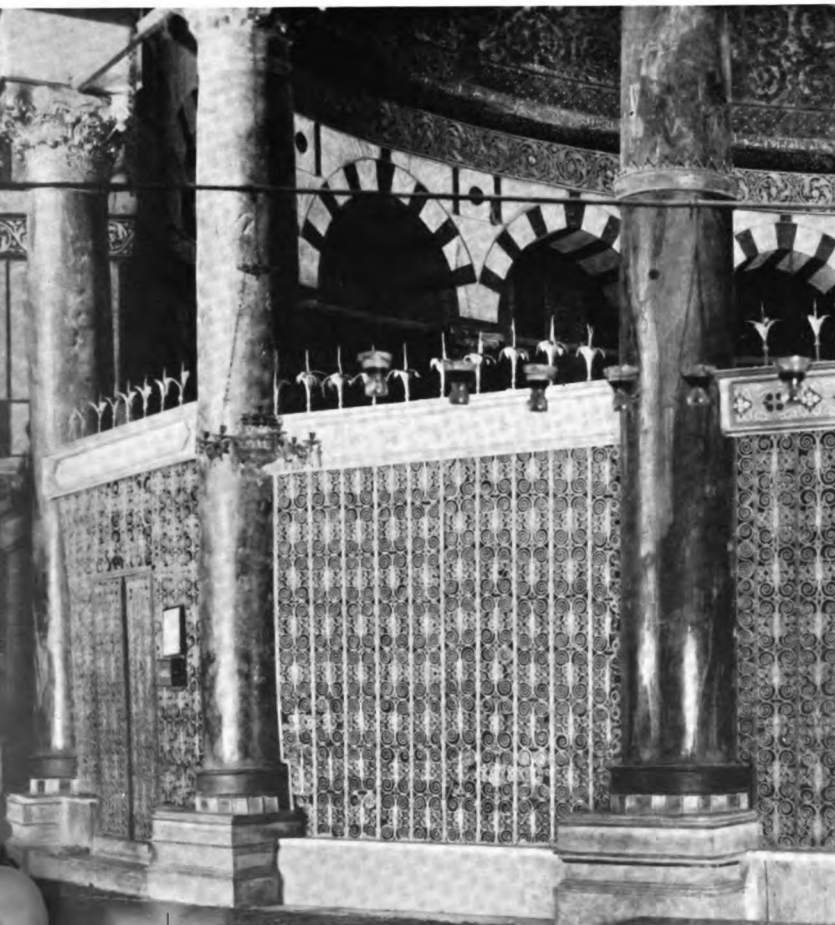
167. Detail of the exquisite mosaics in the dome

168. The circular arcade enclosing the rock with a beautiful medieval screen

169. Another detail of the wrought iron screen

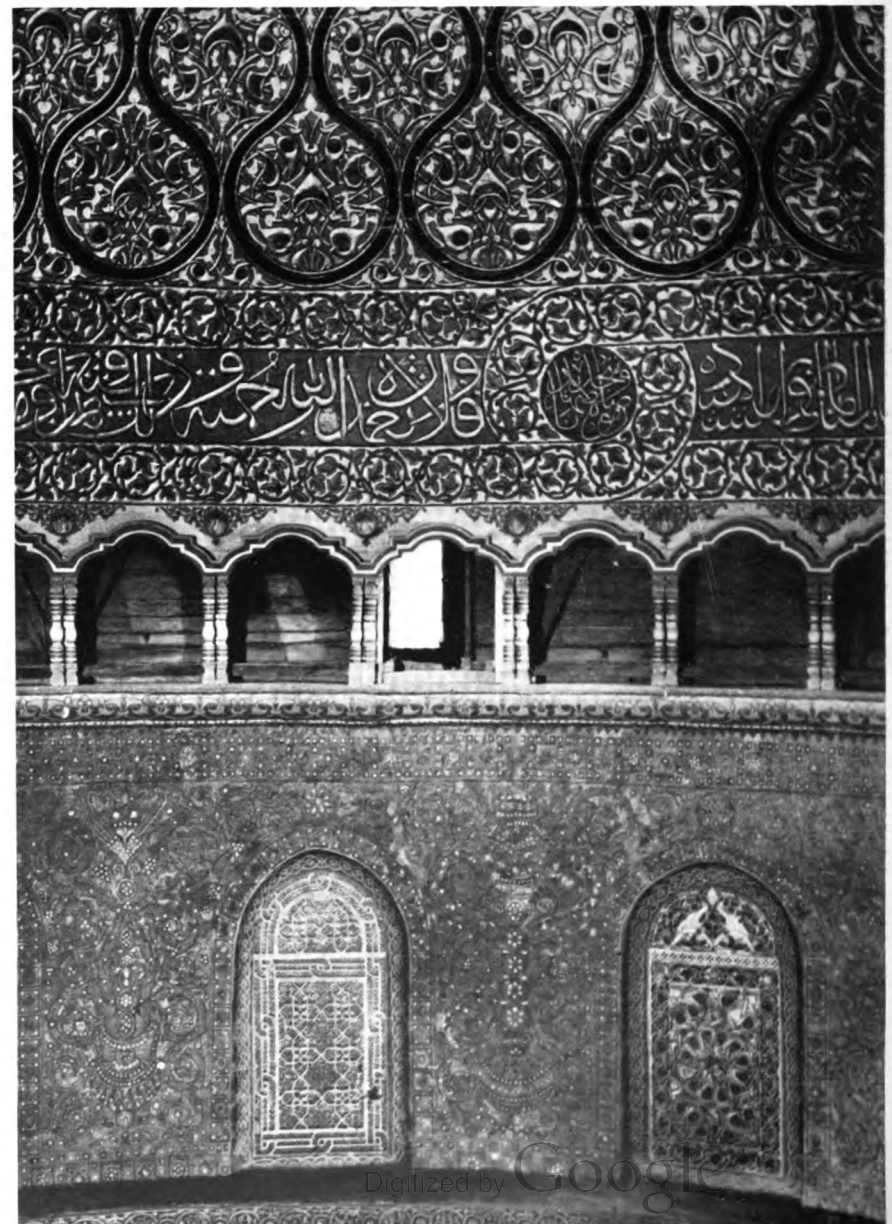
170. Detail of mosaics in the drum

169



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170



Prior to the British occupation the condition of the buildings generally in the Old City was appalling. Apart from the churches and convents which were, generally speaking, kept by their owners in a reasonable state of repair, little thought or time was spent by the then authorities in even preserving the City Walls. This fact has been generally pointed out in the chapter relating to the work carried out by the Pro-Jerusalem Society. Since 1918 the Jerusalem Municipality, with Government encouragement, has introduced a new spirit into municipal affairs and has gradually provided and improved such matters as street paving, water supply and drainage, scavenging and lighting to a noticeable extent. A great deal still remains to be done, but when dealing with a unique ancient monument, which the Old City is in reality, a policy of slow progress is probably best, since it will always be a matter of debate as to how much should be done if a correct balance is to be maintained between preservation and restoration.

DOMES AND MINARETS

Visitors to the Old City are always impressed by the extraordinary variety of domes, towers and minarets which are to be seen on every side. Unexpected views down the narrow streets are invariably framed or surmounted by a tower, a minaret or a dome. The views from the upper storeys or roof of any building within the Old City must be almost unique in their beauty and variety. Domes vary in shape and size from saucer type Byzantine or Romanesque to early Renaissance and Saracenic. In between these extremes every variety of Renaissance dome is encountered, interpreted mostly in stone but sometimes in timber covered with lead or some similar material. The towers and minarets form an architectural feature of the Old City that is particularly impressive. Perhaps the most satisfying are the minarets constructed during the Mamluke period. These minarets usually form part of the Mosque buildings and adjoin the main structure. A brief attempt has been made to indicate their profusion in the photographs that accompany this chapter. They vary in type from small intimate minarets from the balcony of which the traditional call to prayer can be distinctly heard by the faithful in the immediate neighbourhood to the majestic affairs abutting the walls of the Haram esh Sharif.

COURTYARDS

Perhaps one of the most striking features in the Old City are the many courtyards formed by the

arrangement of buildings around an open square. A large number of important family houses have followed this plan from time immemorial. Not only does the arrangement provide an attractive architectural solution but also from the practical point of view the central courtyard can have many advantages. Often the well was located in the centre of the courtyard making it easily accessible to all parts of the house. As regards security, the strong unpierced external wall with central courtyard for access and communication must have proved ideal. During the long hot summer months and when the cold winter winds blow the central courtyard serves its purpose in perfect manner. The best examples on a large scale are the courtyards in the Armenian quarter. Although comparatively modern in date these particular courtyards are conceived on a generous scale and give a unique character to the whole locality. They are fully illustrated and will repay careful study. When used in connection with religious or civic buildings the courtyard forms an excellent gathering place for the public. The whole Haram esh Sharif enclosure is strictly speaking an open courtyard enclosed by arcaded walls and with a dominating building in the centre. When used in conjunction with a church, as in the case of the Crusader Church of St. Anne, the courtyard serves a dual purpose in providing a circulating place for the congregation and at the same time giving greater scale to the main structure. Perhaps on the whole, however, one is struck most by the intimate character of the smaller courtyards with their cluster of buildings entirely given over to domestic purposes. In such cases the courtyard is literally used as a room. Being surrounded by buildings direct sunlight reaches the yard for only a few hours a day, sufficient to ventilate but not too long to make it unbearable in summer. As a result, the buildings surrounding the courtyard are delightful to live in, cool in summer and warm in winter.

DOORS, WINDOWS AND GRILLES

When studying architectural details of doors and windows one must never lose sight of the fact that these two features in a building not only provide access and light to the building, but must be so designed and protected as to keep out thieves and marauders. In consequence the actual door openings, although very often set in a spacious arch, are small, strongly constructed and easily closed and bolted. The wood used was tough and well seasoned and often reinforced by bands of wrought

iron or even bronze. In many cases the door is divided into two sections both of which can be opened but the smaller section alone being retained in constant use. With regard to windows and openings, especially on the ground floor, these are invariably safeguarded by strong wrought iron bars or grilles. Advantage was taken to make these grilles decorative features of the buildings, as accompanying photographs show.

The history of wrought iron is a fascinating study and would well repay intensive research. Here, however, a few examples are given dating from Crusader times onwards in order to stress how important it is for this architectural feature to be studied when constructing new buildings in Jerusalem, which require iron grilles. Wrought iron window bars vary from the simplest checker board form to very elaborate and complicated designs. In every case, however, the cross sections of the bars themselves, whether round or square are strong and the mistake of making them too thin never occurs. In these old buildings where grille and wrought iron bars are used across window openings it is obvious that the cross-section of the bars must be strong, even from the design point of view, for if weak they will be completely overwhelmed by the heavy stone character of the building itself. This is another lesson which should be learned by architects building in Jerusalem in stone. In the traditional use of iron work the material is never treated like wood, or made to ape the appearance of any other unsuitable material. In the grilles and across window openings of some of the buildings in the newer quarters of Jerusalem fantastic designs incorporating bars of music, flashes of lightning and poor imitations of the works of nature are not infrequently encountered. The use of iron in this frivolous manner weakens the design of the whole building.

Various methods were adopted for the junction of iron bars when used across openings. Some of these are illustrated in the photographs. Finally it is important to remember that iron work should never be painted in incongruous colours. Dull black is usually the best.

BALCONIES AND ORIELS

The most important fact which strikes one when studying details of balconies and oriels in buildings in the Old City is that these features are always architecturally correct since they are designed for use and not as mere ornaments tacked on to the facade of a building with the object of attracting notice. Balconies vary from heavy stone units

forming an important feature of the elevation to light constructions made of carved wood and completely enclosed when they become a type of oriel. Stone balconies are always supported by corbels strongly constructed and built well into the thickness of the wall. They vary considerably in detail as the photographs show. Their main lines, however, are fairly consistent usually taking the form of three half-rounded mouldings sloping from the point where they support the balcony to their junction with the main wall.

Oriels have a long history. There can be little doubt that the enclosed type were constructed in order to ensure that the women of the household could view public processions and events taking place in the street below without themselves being observed. Both balconies and oriels are a necessary feature in a climate with a long summer and many days of extreme heat. Oriels vary from strong stone constructions like the one in the Armenian courtyard to light wooden projections which, strictly speaking, should be classed as enclosed balconies. On many of them considerable time and labour have been spent in the carving of the brackets and lattice screens.

FOUNTAINS AND OTHER DECORATIVE FEATURES

The introduction of a piped water supply to the Old City has had an unfortunate effect on the many fountains located at various points within it. These fountains now present a derelict appearance and although many of them are extremely decorative, one cannot but feel that unless water once more flows into their basins they will never regain their lost beauty. In mediaeval times fountains were often donated by wealthy merchants and citizens to provide water for the faithful. From an architectural point of view full use was made of the fountain to display various types of floral sculpture and unusual treatment of stonework.

Glazed tile work has taken its place amongst the many materials used in building to form a distinct decorative feature in many of the public buildings erected in the Old City, and the outstanding example of the use of this material is to be found in the Dome of the Rock. Woodwork in shutters, doors, balconies and oriels suitably reinforced with bronze or wrought iron was also fully exploited. In spite of the ravages sustained throughout the centuries some woodwork dating back to the 12th and 13th centuries still exists. Many of the wooden doors of the city gates strongly reinforced by bronze and wrought iron are still in position and in use.

CHAPTER VII

NEIGHBOURHOOD UNITS

THE NEIGHBOURHOOD UNIT CONCEPTION IS NO NEW thing in planning circles. The principles established by Ebenezer Howard, Raymond Unwin, Abercrombie and others are sufficiently well known without having to describe them here in full. There can be no doubt at all that in a self contained unit the inhabitants will be better housed, healthier and, therefore, happier than in a haphazard built area since it is for their social well-being that the unit is planned from the beginning. Most authorities consider a unit of 10,000 inhabitants is sufficiently large to be self-contained. This figure is large enough to warrant provision being made for advanced education, land for team games, a public library, a theatre and other forms of public entertainment.

The plan adjoining sets out in diagrammatic form the manner in which Jerusalem is divided into more or less self-contained units. The existing units are clearly indicated and usually coincide with the boundaries of a particular quarter. These are as follows :—

1 Rehavia : 2, 3 Mahne Yehuda : 4, 5, 6 Mea She'arim : 7, 8 Geula Quarter : 9 Nashashibi Quarter : 10 American Colony and Bab ez Zahira : 11 El Misrara Quarter : 12 Lifta Village : 13 Giva't Shaul : 14 Beit hak Kerem Suburb : 15 At Tur Village : 16 Hebrew University and Hadassah Hospital precinct : 17 Silwan Village : 18 Government House and Arab College precinct : 19 Deir Abu Tur : 20 Yemen Moshe Quarter : 21 Talbiya : 22, 24 Templar and Greek Colonies : 23 el Qatamon : 25 el Baq'a : 26 Meqor Haiyim : 27 Talpiyot : 28 Beit Safafa.

An attempt has been made in the plan to visualise the ultimate development of the remaining area at present unbuilt-on, and it is presumed that, as Jerusalem expands, careful consideration will be given to the requirements of each new development area. From a close study of the plan it will be observed that some of these new areas are somewhat smaller than usual when considered as neighbourhood units. As necessity dictates the area of these new units will no doubt have to be considerably adjusted to fit in with the type of development desired ; for instance, if the unit is to be predominantly an industrial one the area to be covered may very well be larger than if a predominantly residential addition was required.

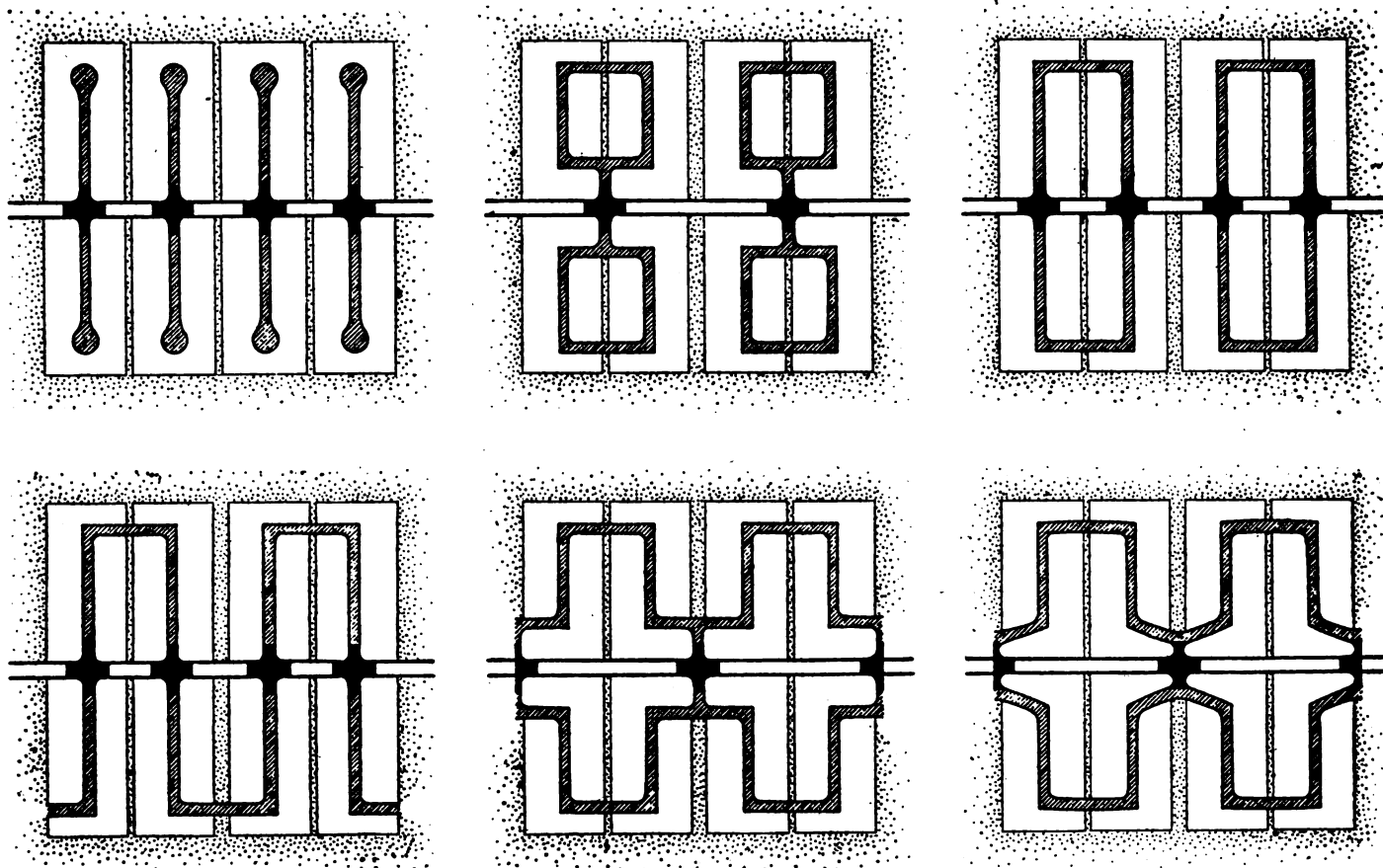
The plan illustrates existing quarters and extension of these quarters in order to complete the unit. Commercial zones are indicated as are also the existing industries. It will be observed that each unit contains diagrammatic centralization of shops and schools. As far as the proposed neighbourhood units are concerned they have been grouped in such a manner as to be separated from one another by valleys and open spaces of various kinds.

The nucleus of each unit has also been diagrammatically indicated, but various factors, such as topography, direction of prevailing wind, etc., may necessitate considerable adjustment when the locality is being developed. Existing units are indicated in dark brown, and their proposed completion and new units are shown in light brown. It may be necessary to revise the boundaries of these new units as a result of a detailed survey. Existing villages and settlements may expand in directions at present unknown. Some of these villages have industries which should be encouraged and developed—others on the contrary have developed in an unsatisfactory manner and will require re-planning and re-zoning when the survey is completed.

ORIENTATION OF HOUSES

When considering the planning of an unbuilt-on area topography plays a leading part, whereas the determining factors in the actual layout of the house can briefly be stated to be wind, rain and sun. There is no perfect solution to the problem of orientation, but it is generally agreed that in Jerusalem living rooms should face south to south-west. This orientation is very desirable in order to assure as much insulation as possible for the walls and the rooms from the direct rays of the sun for some 6 to 7 months of the year.

A south to south-westerly orientation of the living rooms has the additional advantage of facilitating the cooling of the outside walls by the prevailing westerly winds. There can be little doubt that too many rooms facing west and receiving the direct rays of the sun in the long hot summer months do not provide a solution since the walls absorb the hot rays during the day and conduct the heat to the rooms at night.



LAYOUT OF ROADS

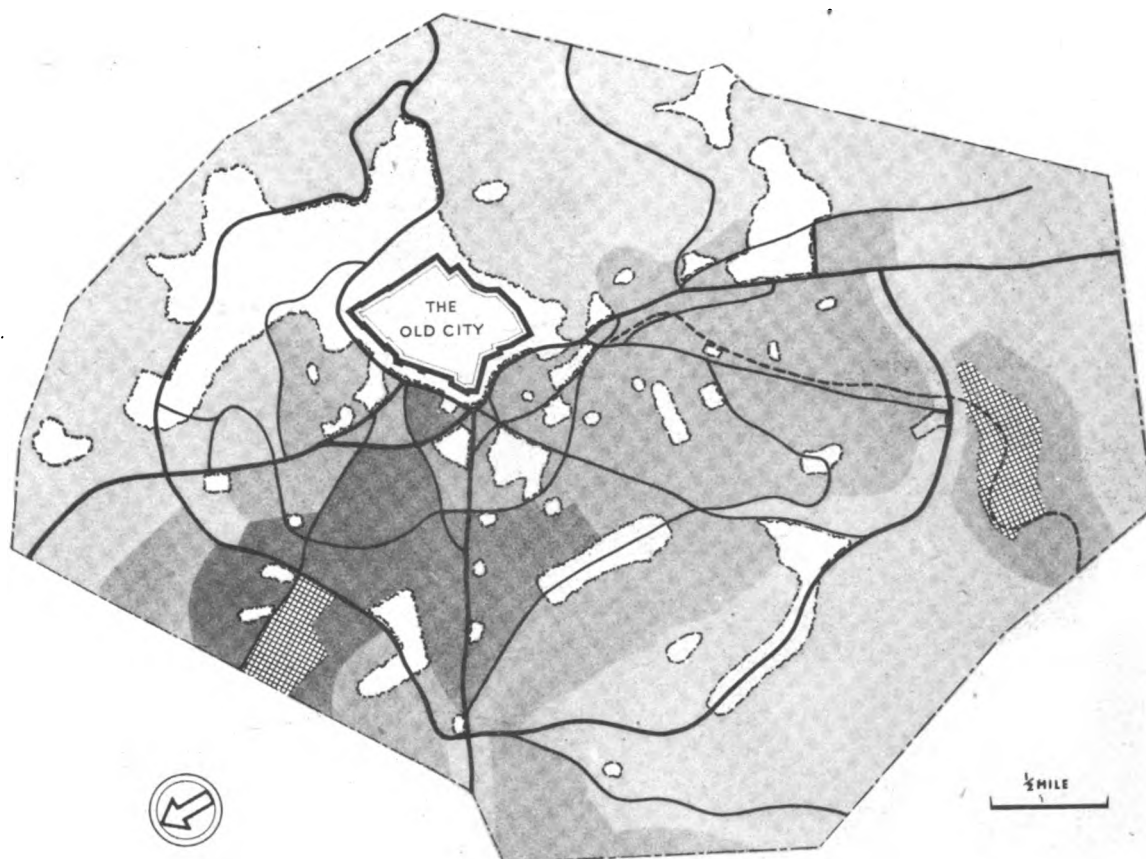
Modern traffic requirements may be summed up in the principle that every road should serve a particular purpose. Arterial roads should be capable of carrying fast and heavy traffic through the country safely and quickly, and no interference should be permitted with such traffic. Local major roads, which are required in every important town and often include ring-roads, should be devoted predominantly to traffic, but should also provide safe junctions with minor or developmental roads at suitable intervals. Minor or developmental roads should be primarily set aside for use of pedestrians in residential quarters, and traffic on these roads should be subordinated to their use by pedestrians. In such roads the carriage-way should be kept as narrow as possible and the pavements and green strips as wide as possible.

Footpaths fall into the fourth category and should essentially be reserved for pedestrians only. No wheeled traffic should be permitted on them.

The orientation of streets is largely determined by topography and the proper orientation of houses

which line them. Thus if the main living rooms of the houses face south to south-west the access road to these houses should run east to south-east (see the isometric plan). Other points to bear in mind when laying out roads are the ventilation of such roads in order to obtain the maximum benefit of the prevailing winds and the planting of trees along the pavements at such positions that pedestrians obtain the maximum amount of shade, especially in such a sunny climate that Jerusalem possesses.

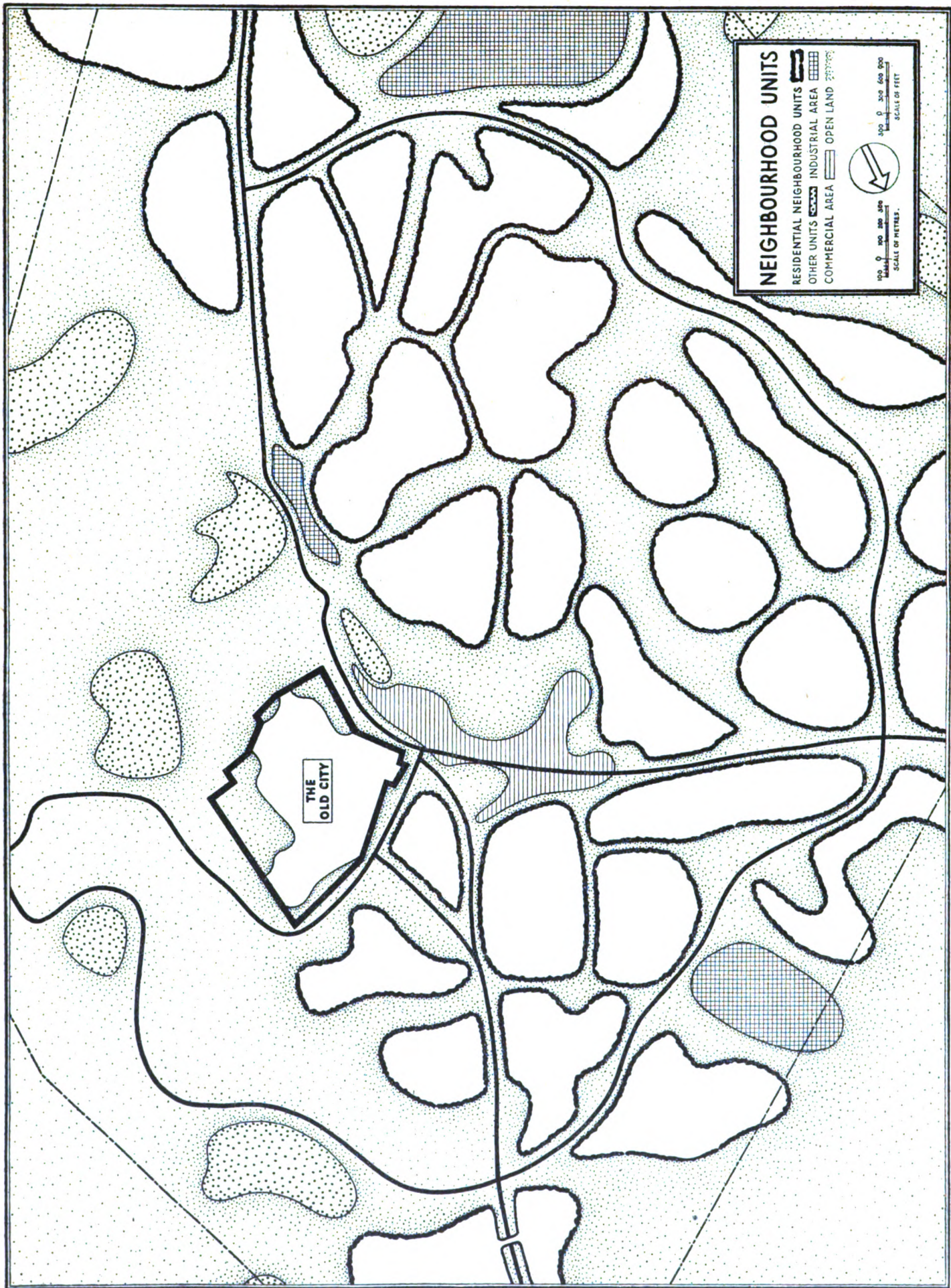
All blocks of flats, which contain 25% of the total number of dwellings, and the main unit centre are served without entering the principal residential area, thus assuring restful and healthy living conditions. The inner ring-road is, in effect, a bus route and no houses are directly accessible to this road. The only roads which give direct access to the houses are the minor or precinct roads. In the plan only the carriage-ways have a uniform width while the actual distance between buildings varies considerably. It will be noticed that the distance from the curb to the property boundary



INNER ZONE MIDDLE ZONE OUTER ZONE

DIAGRAMMATIC PROPOSALS OF THE 3 DENSITY ZONES

GROUPING OF NEIGHBOURHOOD UNITS



changes and thereby ensures the possibility of successful landscape treatment of such roads.

The length of any local precinct road in any one direction does not exceed 100 to 120 metres. In this manner monotony is avoided from the point of view of the pedestrian, and from an architectural point every road has a terminal or focal feature which lends interest and variety to the layout. Adjacent houses are grouped and staggered in such a manner as to complete the street picture.

LAYOUT OF HOUSES

When houses are sited along both sides of a street in parallel lines the usual result is for half of the houses to suffer from the disadvantages of looking on to the road with the attendant noise, dust and lack of view. It is possible to reduce these disadvantages either by planning the house individually with careful regard to orientation and site or to provide each row of houses with an access road so that when a number of parallel rows of houses are designed every row has a similar aspect and orientation. The great drawback to this system of development, however, lies in its uneconomical character, quite apart from the tendency to monotony by the repetition of the same planning elements. Another method of partly meeting these difficulties is to orientate the rows of houses correctly and to set them back deep into their respective gardens. Access to a row of houses would then be through the garden. This solution has been adopted in the isometric plan of a neighbourhood unit illustrated in this chapter.

LAYOUT OF FLATS

The living rooms of the flats have been orientated south to south-west. The height of each block is limited to three storeys with a maximum number of six flats per floor. The minimum distance between blocks is 33 metres or at least three times the height of the blocks. As will be seen from a study of the detailed plan, the flats are sited in parallel rows at right angles to the traffic roads serving them. An access road for persons dwelling in the flats and to facilitate refuse collection, etc. is provided by a single carriage-way *cul-de-sac*. Open spaces adjoin the blocks and provide ample recreation area for adults, and playgrounds for children, while the blocks themselves are staggered in order to secure proper circulation of air and adequate sunshine. A further advantage of staggering is the impression created of spaciousness and the avoidance of

monotony by a break in the continuous line of buildings, which in itself is architecturally more satisfactory.

OPEN SPACE SYSTEM

Care has been taken in the plan to work out a continuous "parkway system," which provides for footpaths to link up one open space with another. Footpaths have generally been arranged in the quadrangles linking up the various units with the internal ring-road, and they all lead towards the central open spaces which contain the principal public buildings. These footpaths or walks divide the residential areas into separate precincts and lead outwards to the open area surrounding the unit.

GENERAL PLANNING CONSIDERATIONS

It is felt that some consideration of the detailed planning of a neighbourhood unit will not be out of place at this point, and the plan in this chapter illustrates in isometric form one such unit for approximately 10,000 persons.

In planning this unit the following general principals have been borne in mind:—

- (a) the provision of dwellings based on the average family structure;
- (b) open spaces requirements;
- (c) the provision for schools based on the proportion of pupils to the population;
- (d) shop requirements, which include a suitable unit centre;
- (e) public building sites;
- (f) requirements of service industrial undertakings;
- (g) the provision for adequate garages and parking places;
- (h) the width of carriageway of the various types of roads.

I. ESTIMATED FAMILY STRUCTURE (per 100 persons)

Status	Approximate number of persons
Males and females under 15 years ...	35
Married people up to 60 years ...	35
Unmarried and old people ...	30
	<hr/> 100

NEIGHBOURHOOD UNITS

I. PROVISION OF DWELLINGS BASED ON FAMILY STRUCTURE

Type of dwelling	Number of dwellings	Number of Persons (at maximum 5 persons per dwelling)	% of persons accommodated	Area in dunams 4.04 dunams = 1 acre
One storey single houses ...	120	600	6	120
Detached houses ...	578	2,890	29	289
Terraced houses ...	164	820	8	82
Two storey terraced houses ...	638	3,190	32	149
Three storey dwellings for young couples, single persons, etc.	500	2,500	25	100
Total ...	2,000 dwellings	10,000 persons	100%	740 dunams

II. LAND REQUIREMENTS PER UNIT OF 10,000 POPULATION

Use	Open Development (Zone B-C) dunams	Close Development (Zone D-E) dunams	Maximum Development (Zone F) dunams
Land for housing ...	740	380	200
Schools (2 to 15 years of age) ...	76	76	76
Shops, Offices, etc. (without parking) ...	12	10	8
Unit Centre and Public Buildings (without parking) ...	28	23	18
Service Industries (workshops & garages) ...	18	15	12
All roads and parking (including half area boundary roads) ...	126	86	50
Land for Open Spaces	320	280	240
Total Areas for the Neighbourhood ...	1,320	870	604
Average net residential density* ...	39	78	149

* Net residential density is the average number of persons per 4.04 dunams or 1 acre of housing area, which comprises the curtilages of the dwellings, access or internal roads and half the area of main roads up to a maximum of 6 metres (20 ft.), where these are contiguous to residential property.

III. OPEN SPACES REQUIREMENTS PER 1,000 POPULATION: (OPEN DEVELOPMENT)

Type	Year Group	Area required 32 dunams = 8 acres	Serving radius
Children's play-grounds ...	3-5 years	2 dunams	400 metres
Playgrounds ...	5-15 years	10 dunams	800 metres
Playing fields†...		4 dunams	
School playing fields‡ ...	15-18 years	6 dunams	800 metres
Neighbourhood park, Minor parkways ...		7 dunams	
Small gardens, Green strips along roads, Walks and footpaths ...		10 dunams 2.5 acres	600 metres
		3 dunams	

IV. SCHOOLS: PROPORTION OF PUPILS

The total number of five-year-old children per 1,000 population is estimated as follows: Moslems 37, Jews 26, Christians 29.

Owing to this high birth rate the estimated number of pupils seeking annual entry to the schools per 10,000 population is 300.

Calculated on this basis and assuming an advanced educational system§ the distribution of pupils between the different schools will be as follows:—

Type of School	Year Group	% of total school population (300)	Number of pupils entering annually	Total number of pupils
Nursery or kindergarten ...	2-5	60%	180	540
Neighbourhood Unit Elementary School (mixed sex) ...	6-15	70%	210	1,890
Other Schools (religious, private, etc.) ...	6-15	30%	90	810
Additional Secondary School ...	16-18	30% of 210 pupils	63	189

Total number of children in school per 10,000 persons ... 3,429

† Partly interchangeable with school playing fields.

‡ Some not adjacent to the schools, but within easy reach.

§ Compulsory school attendance; raising of the school-leaving age to 15 years to bring the present elementary school into line with the secondary school.

CHAPTER VII

V. SIZE OF SCHOOLS AND AREA REQUIRED PER NEIGHBOURHOOD UNIT OF 10,000 PERSONS

Type of School	Year Group	Forms of entry	Pupils per form	Capacity of school	Total number of pupils	Number of Buildings	Area required per School			Total Area in Dunams	Radius served
							Buildings & play-grounds	Playing-fields*	Total area of site		
Nursery ...	2-5	-	-	68	540	8	-	-	2 dunams	16	400 metres
Unit elementary school (mixed) ...	6-15	6	35	945	1,890	2	8 dunams	10 dunams	18 dunams	36	800 "
Additional secondary school (mixed) ...	16-18	2	31	570	189	1/3‡	18/3 "	24/3 "	42/3 "	14	1,600 "
Religious and other schools, etc.	6-15	-	-	-	810†	2	-	-	-	10	-

Total area required 76 dunams, total school population 3,429 pupils.

* Additional playing fields must be provided within easy reach of the neighbourhood.

† A certain number of these pupils will not attend school in the neighbourhood unit, but are likely to go elsewhere to complete their training.

‡ One additional Secondary School serves three neighbourhood units.

VI. SHOPPING REQUIREMENTS PER 10,000 PERSONS

(A) Number of shops in relation to population.

The average is about 75—100 persons per shop. 100 persons per shop has been taken as the basis for the calculation, hence 100 shops will be required for a population of 10,000. It is assumed that about 60% of these shops (or 60 shops) will be situated in the Neighbourhood Unit itself, the remaining 40%, or 40 shops, will be allocated to the Community Shopping Centre, serving several Neighbourhood Units, being specialized shops. The total number of shops allocated in a neighbourhood unit of 10,000 persons is 60 and they are located at a maximum walking distance of 400 metres.

Number of Shops in Neighbourhood Unit Centre (semi-specialized shops)	Number of Shops in 2 Subsidiary Unit Centres (basic food shops)
50	5
—	5
50	10
—	—

(B) Land Requirements per Neighbourhood Unit.

60 shops will cover approximately ... 4.5 dunams
(at an average of 75 sq.m. per shop including back yards)

Estimated allowances for future car park requirements at the rate of 2.5-3 cars per shop (about 160 cars) ... 4.0 "

Service roads (minimum 30 sq.m. per shop) ... 2.0 "

Allowance for paved shopping courts, planting of trees, open siting of buildings, etc., approximately ... 5.0 "

15.0 dunams

VII. NEIGHBOURHOOD UNIT CENTRE REQUIREMENTS.

Community Centre containing :

Assembly Hall with Stage,
Cinema, Restaurant, Buffet,
Kitchen, Games Rooms,
Youth Clubs, Branch Library with Reading Rooms,
Post, Police, Fire, First Aid,
Offices, etc.
Parking places (120 cars=3 dunams), etc. ... 10.0 dunams

50 shops with parking places (160 cars=4 dunams) ... 8.0 "

Area required for open layout of different buildings, Shopping space, paved courts, tree-planting, etc. ... 5.0 "

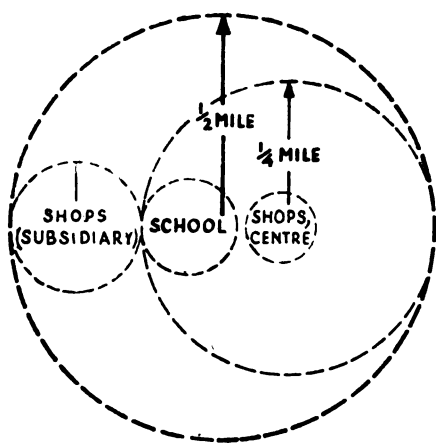
Total area ... 23.0 dunams

VIII. ADDITIONAL PUBLIC BUILDINGS.

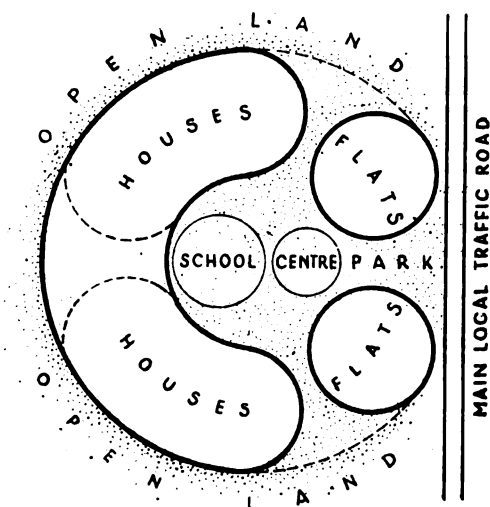
Use	Area
2 Places of Worship ...	5 dunams
1 Health Sub-Centre (including child welfare) ...	4 "
Public Swimming Pool ...	1.5 "
Gymnasium ...	1.5 "
	12.0 dunams

IX. SERVICE INDUSTRY REQUIREMENTS.

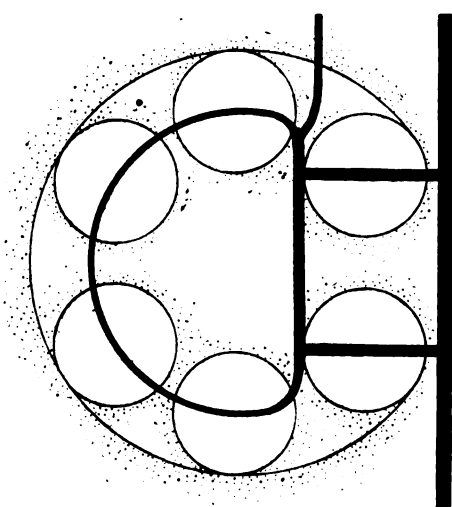
Service industries are located in positions where they have proper access to the main distributing roads i.e. at the entrance to the unit. Every neighbourhood unit requires at least two such groups of service industries.



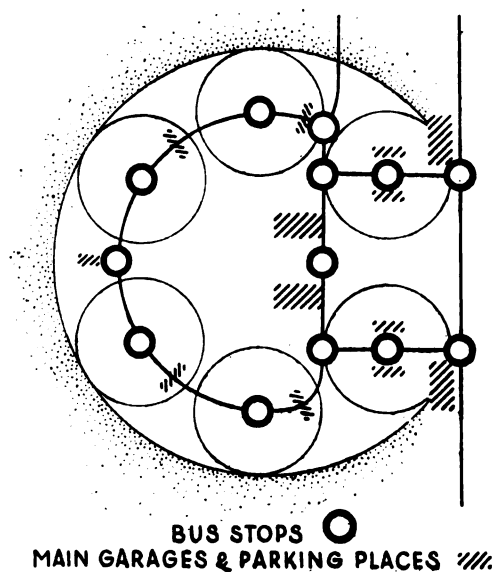
SIZE OF THE NEIGHBOURHOOD UNIT



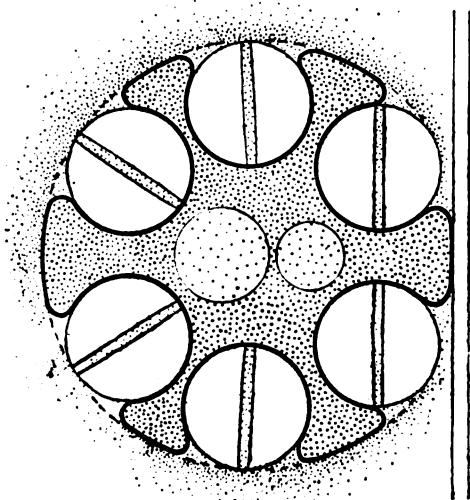
ZONING



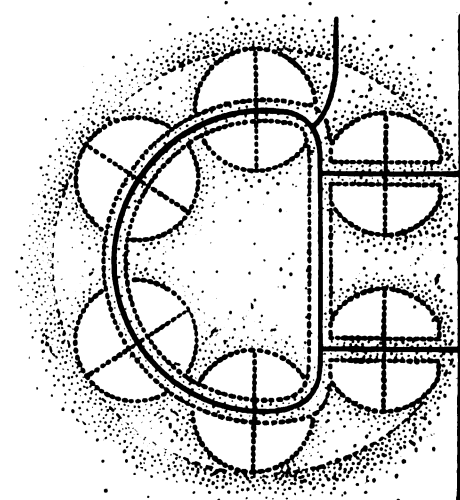
LAYOUT OF ROADS



BUS STOPS
MAIN GARAGES & PARKING PLACES



LAYOUT OF OPEN SPACES



MAIN CARRIAGE WAYS
MAIN PEDESTRIAN WAYS

THE DEVELOPMENT OF A NEIGHBOURHOOD UNIT

NEIGHBOURHOOD UNITS

A few of the less noisy workshops are situated in the Neighbourhood Unit Centre, adjacent to such trades as tailors, shoemakers, etc. Details of service industry requirements per 10,000 persons.

2-3 laundries and clothing shops, 2-3 bakeries and food processing shops, 2-3 carpenters and cabinet makers, 4-5 general repair-shops, 2-3 building material shops with storeyard, etc., 2-3 fitters, welders and tinsmiths shops, 2-3 electrical appliances shops, 1 printer and bookbinder, 1 poster- and sign-painter, etc. Together approximately 18-25 workshops totalling about ...	12 dunams
2 Garages, with repair facilities, for about 135 cars each with petrol filling stations ...	6 dunams

Total area, including open spaces and access roads : 18 dunams

X. GARAGES AND PARKING REQUIREMENTS.

(A) Garages

The following provision has been made :—

1. Two garages each with a car capacity of 135 and a filling station at the entrance to the unit.
2. Eight garages in every residential precinct.
3. Single garages in private plots.
4. Rows of garages for flat dwellers, connecting the block of flats.
5. Additional space has been set aside in addition to the foregoing in the neighbourhood Unit Centre.

(B) *Parking Requirements.* (40 parked cars = a car park of 1 dunam).

Location	Capacity	Area required
Neighbourhood Unit Shopping Centre	160 cars	4 dunams
Cinema in the Centre ...	60 cars	1.5 dunams
Additional Users of offices and other Buildings in the Centre ...	70 cars	1.7 dunams
Subsidiary Shopping Centre ...	10 cars	0.25 dunams
Total ...	300 cars	7.45 dunams

Public buildings and similar premises are provided with parking facilities to accommodate the vehicles using them.

Road bays at bus stops located at minimum distance of two hundred metres are provided for convenience and safety of passengers.

- * Central traffic islands are not included in the width.
- + Additional 9 ft. wide bays for standing vehicles.
- ‡ Open Development.
- § Close Development.
- || Maximum Development.

XI. WIDTH OF CARRIAGE-WAYS.

Type	Number of traffic-lanes	Minimum Width	
		metres	feet
Sub-arterial road giving access to the Unit (dual carriage-ways) ...	4	13.40*	44
Local through traffic† Entrance ring road, dual carriage-ways, serving : Residential areas (flats) Service Industry Shopping Centre Offices Public Buildings ...	2	6.40*	21
Local through traffic† Internal ring road serving : Residential areas Recreational areas and Public buildings ...	2	6.10	20
Local traffic Local precinct roads (loops, cul-de-sacs, etc.) serving : Residential areas ...	2	4.87	16

XII ESTIMATED NET RESIDENTIAL DENSITIES IN THE DIFFERENT ZONES OF JERUSALEM.

The calculations are based on 5 persons per dwelling, including lodgers and dependants.

	Zone A‡	Zone B‡	Zone C‡	Zone D§	Zone E§	Zone F
Minimum curtilage in square metres	2,000	1,000	1,000	750	750	500
Number of apartments ...	1	2	3	3	5	5
Net density¶ (theoretical figures only) ...	9	38	56	75	125	188
Net density** (practical figures)	7	30	44	59	98	149

¶ Net residential density is the average number of persons per 4.04 dunams or 1 acre of housing area, which comprises the curtilages of the dwellings, access or internal roads, and half the area of main roads up to a maximum of 6 metres (20 feet).

** Loss of efficiency (maximum 20%) owing to irregularities of the site, necessary retention of existing buildings and part of the existing street net, preservation of physical features, securing view radii for chief view points, etc.

PLANNING IN RELATION TO TOPOGRAPHY AND THE PRESERVATION OF SKYLINE

It is almost impossible to over emphasize the importance of closely relating planning schemes to the undulating character of the land upon which are built the new quarters of Jerusalem. Reference to the line contour diagram will illustrate this fact more clearly than any attempt at a detailed description. It follows therefore that the greatest care should be exercised by the authorities concerned in the siting of buildings and the planting of the right types of trees, especially when they are likely to be seen against the skyline. Steep pitched roofs silhouetted against the clear sky are usually unhappy, breaking up the skyline in a most disturbing manner. Individual trees such as cypresses planted on ridges and spurs also create an unfortunate outline. These trees are best planted in clumps and should preferably be combined with other types to produce a softening effect on the skyline. The unfortunate results of bad planting can be seen by reference to the accompanying diagrams which illustrate the jagged skyline which will probably result when the trees have fully matured.

Few things can be more satisfactory when thinking of building development than the flat roofed or saucer domed type of house associated with traditional Arab architecture. It is largely because of this dominant feature and the manner in which the buildings are arranged together in clusters on the tops of hills that Arab villages present such an attractive appearance. As the buildings are invariably constructed of stone in the hilly regions they fit in completely with the landscape, never disturbing the skyline, principally because of their uniform shape and height, and also because of the points mentioned above. In declaiming against the breaking up of a restful skyline it is not intended to criticise the occasionally delightful variety given by a mosque or a minaret. In any case minarets are seldom located against the skyline but even when they are they serve as an interesting focal point to the other buildings of the village. Good traditional design is invariably implied when a minaret and mosque are erected and in consequence they are always architecturally successful. No attempt has yet been made to construct a "modern" minaret and yet the design although traditional varies in detail from region to region depending a great deal on the quality of the craftsmanship available in the locality. Stone is invariably used for minarets as it is for other buildings and fortunately no attempt has been made so far to build such a delightful archi-

tectural feature in concrete or other "new" material.

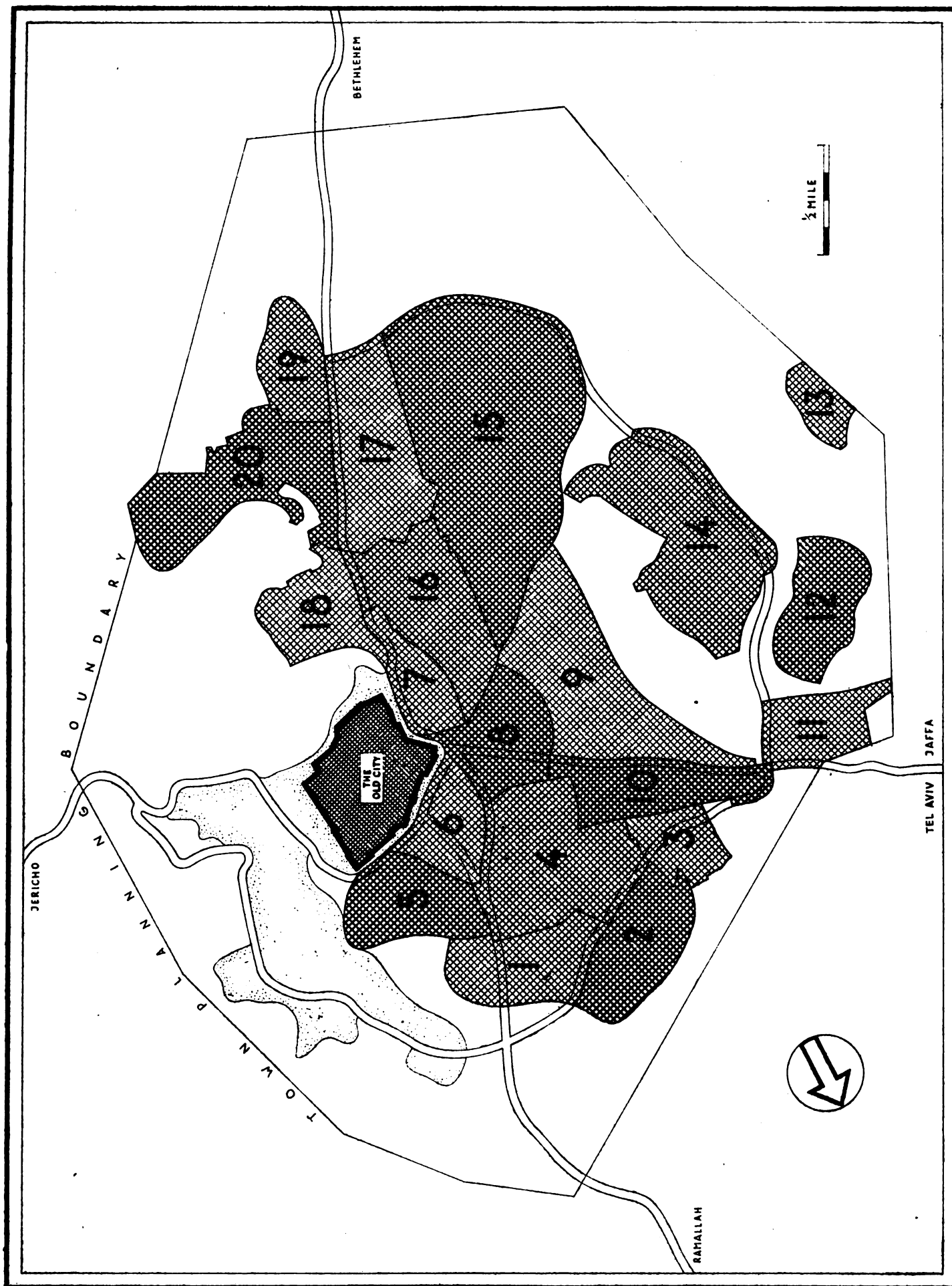
PRESENT STATE OF DETAILED PLANNING

The diagram given opposite illustrates the position to date as regards detailed schemes in force within the town planning area. They are as follows :—

No.	Name
1.	Esh Sheikh Jarrah and Nashashibi Quarter.
2.	Tomb of the Judges area.
3.	Schneller detailed scheme.
4.	Beit Israel scheme.
5.	Bab ez Zahira scheme.
6.	El Misrara Quarter.
7.	West Nikeforia scheme.
8.	Central area scheme.
9.	Rehavia.
10.	Mea She'arim scheme.
11.	Giva't Shaul.
12.	Beit hak Kerem.
13.	Bayit ve Gan.
14.	West Rehavia.
15.	El Qatamon scheme.
16.	Talbiya.
17.	Upper Baq'a.
18.	Deir Abu Tur.
19.	Talpiyot.
20.	Government House scheme.

Although for all practical purposes the whole of the built-up areas has been planned, a great deal of revision and improvement is outstanding. Powers are required to enable the local authority to re-plan without the payment of compensation all areas parcellated in the past and as yet not developed. Unless these powers are obtained it will be difficult to prevent certain localities from being built-up in too dense a manner.

The majority of these parcellations were undertaken many years ago principally for registration purposes. They often represent an arbitrary division of land into plots taking no notice of topography, alignment of roads, drainage and other important matters. Until the local authority has powers to re-plan such areas by placing existing plots in a pool and re-designing the scheme improvement in this direction will be retarded. An example is given in the accompanying diagrams of a scheme for el Qatamon. The first diagram illustrates how the scheme exists at present and the second how it could be re-planned to make full use of the sloping site and the proposed public open space on the crest of the hill.



BOUNDARIES OF DETAILED SCHEMES IN FORCE

PROTECTION OF PUBLIC AND PRIVATE GARDENS

The accompanying photographs show very forcibly how vital it is for all areas to be suitably enclosed by a stone wall if a garden is desired in Jerusalem. The prohibition of grazing by goats and other animals within the town planning area is one of the most complicated problems to solve, and unless land is carefully protected no tree or shrub will ever survive under present conditions. The local authorities have been highly successful in laying

out and planting several small public gardens in various parts of the new town, but in all cases the construction of a strong stone wall is the first step to be taken after the land has been acquired by purchase or obtained as a result of the bringing into force of a town planning scheme.

In a similar manner no private residence can boast of a garden until the owner has walled in his property. One of the conditions of the building permit is the construction of a suitable fence or wall on all the boundaries of the plot.

LANDSCAPE FEATURES

The sketch plan illustrated in this chapter is an attempt to show in graphic form the scenic areas as well as the points from which unsurpassed views can be obtained within the Jerusalem town planning area. In order to stress the contours the ridges of the various hills are also indicated as they occur in built-on as well as in unbuilt-on areas.

Generally the principal scenic areas are situated in the Mount of Olives region and to the south of the Old City including Mount Zion and the Kidron Valley. There are other areas of considerable scenic interest to the north of the town looking towards an Nabi Samwil from which place Richard Coeur de Lion is reputed to have first seen Jerusalem and in the valley to the south-west of the town.

The most impressive view-points are situated on the Mount of Olives and on Mount Scopus. The existing road runs along the ridge in this locality and at several points, as clearly indicated in the map, magnificent views can be obtained both of the Old City and of the Jordan Valley with the wilderness in the immediate foreground and the mountains of Moab in the distance.

Impressive views are fewer in number within the built-up area, but some very fine ones exist in the new town which are well worthy of preservation.

Looking eastwards from King George Avenue across the well laid out public garden it is possible to see the western walls of the Old City with David's Tower and the Citadel dominating the immediate neighbourhood. Lower down at the junction of King George Avenue and Julian's Way perhaps the most entrancing view is obtained of Mount Zion in the foreground and the mountains of Moab far away in Trans-Jordan. Serious attempts have been made by the planning authorities to preserve this unique view for posterity, and the coloured isometric drawing illustrated elsewhere shows this proposal which includes a public terraced garden in the area situated between the King David

Hotel and the Scots Memorial Church and Hospice.

A broad view of the south-western valley leading to Jerusalem is obtained from the public garden in Talbiya. This is not known to many but is nevertheless worthy of preservation. This may be achieved by limiting the height of all future residential buildings in the immediate neighbourhood of the garden as well as by spacing them so that the view of the valley is preserved.

To the west of the suburb of Rehavia the view of the Greek Convent and the valley beyond must be known to many of the inhabitants of Jerusalem. The 1944 scheme visualises a considerable strip of land in this region which is to be set aside as a green belt; it may be desirable, however, to increase the size of this belt before development advances towards it.

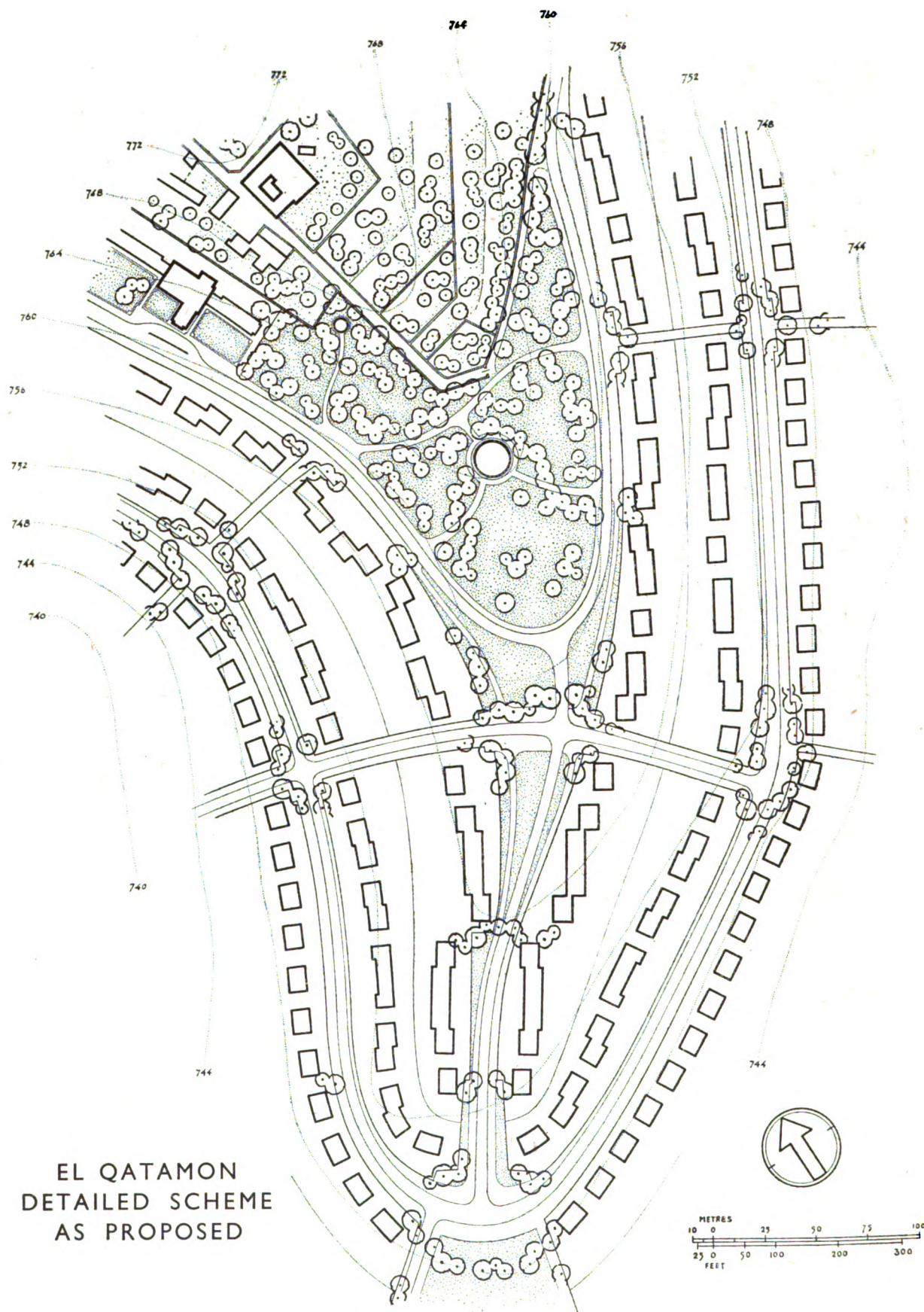
Finally, the views of the Old City and the Mount of Olives from Government House have to be seen to be fully appreciated. They command not only the modern town but Mount Zion and the City Walls, the Dome of the Rock and the Garden of Gethsemane as well as the deep valleys running south to the Dead Sea.

Views of great attractiveness are obtained from the four main approaches to Jerusalem as described in an earlier chapter. The Haifa approach from the north has the most dramatic view of the Old City with the modern town while the southern approach from Bethlehem with the views of the Dead Sea region is perhaps the most impressive in its starkness. The approach from Jericho from the east claims the finest view of the south-east corner of the City walls, with the Dome of the Rock and the Mosque of Aqsa dominating the mass of buildings behind them.

The map also shows existing footpaths and walks within the town planning area. These can be improved to form an important amenity to the inhabitants of Jerusalem.

LANDSCAPE FEATURES

EL QATAMON
DETAILED SCHEME
AS PROPOSED



CHAPTER VIII

THE ADMINISTRATION OF TOWN PLANNING

TOWN PLANNING AND BUILDING CONTROL throughout Palestine is regulated under the Town Planning and Building Ordinance, 1936, and subsidiary legislation. In so far as planning is concerned the Ordinance requires the preparation by the local authorities in all large towns of outline schemes determining matters of major planning policy in such manner as will provide for orderly development. At a later stage detailed and parcellation schemes are prepared within the framework of the outline scheme. Powers also exist under the Ordinance for the promulgation of by-laws regulating building operations; they may be of application both in urban and rural areas.

Experience has shown that the present law controlling building and planning operations, both in town and country, needs amending and the new bill described in the next chapter should achieve this end. It is anticipated, however, that before this Ordinance is brought into force further minor improvements and amendments will have been incorporated as a result of suggestions and criticism received from public bodies and individuals.

The most important change which this Bill is designed to effect relates to planning rates; the provisions of the existing law in regard to betterment tax have proved to be unworkable and, on this account, local authorities have been unable, for lack of funds, to undertake many desirable town planning improvements; where it has been possible to make such improvements at public expense the effect has been to enhance the value of private properties without any proportionate compensation to the public purse. The Bill provides for the imposition both of a general planning rate upon all owners of land in a planning area so as to meet expenses upon the preparation and execution of all schemes within that area and also a particular planning rate to meet the expense of a particular planning scheme, to be levied only upon the owners of property affected by such scheme. The income from such rates should enable authorities to carry out a reasonably extensive long term planning programme and to introduce many public amenities the need for which has long been felt.

The new Ordinance consolidates and brings up to date existing scattered legislation and thus presents to Government and the public a handbook in convenient form containing the whole law relating to building and planning. It contains *inter alia* a uniform set of rules of procedure affecting such matters as the payment of fees, the presentation of schemes and the issue of permits, for which provision has hitherto been made in a multitude of separate rules and by-laws.

The Ordinance is operated by six District Building and Town Planning Commissions. The areas of jurisdiction of these District Commissions coincide with those of the six administrative districts. They are bodies consisting of officials only,† the District Commissioner being Chairman and the Government Town Planner and representative of the Attorney-General, the Director of Medical Services and the Director of Public Works being the only members; the inclusion of the Government Town Planner in all six Commissions ensures uniformity in application of major principles. These Commissions were created to implement a policy of decentralisation agreed upon in 1936; before that year there existed only one Central Town Planning Commission which attempted to guide and assist town planning projects throughout the country. It may be necessary, however, before the proposed Ordinance now in bill form is brought into force, to introduce a certain amount of centralisation by the formation of a body to deal with matters of major planning policy and the standardisation of building law throughout Palestine.

It is the High Commissioner who declares the various town planning areas within the jurisdiction of the District Commissions and who, on the recommendation of the District Commission, approves an outline town planning scheme for each of these declared areas. Thereafter the District Commissions are the final authority for the approval of all detailed and parcellation schemes within the framework of the approved outline scheme. They are also responsible for the promulgation of by-laws relating to building operations throughout

† Although in practice the municipal engineer of the town concerned is always in attendance, representatives of housing corporations, companies and public bodies are often asked to attend and explain schemes presented by them.

their District; in respect of all building control their character is primarily legislative directive and administrative, the executive authority resting with their various Local Commissions.

Special town planning areas have been declared in respect of all municipalities; the boundaries of these areas normally extend beyond the boundaries of the municipal area but in some cases the municipal and town planning boundaries coincide. Special town planning areas have also been declared to facilitate planning and the control of building within and surrounding the areas of jurisdiction of some of the local councils, and it is probable that others will be declared in the near future in respect of areas in which early development of a semi-urban nature is anticipated. All parts of the country not included in these special town planning areas are included in regional planning areas of which there is one for each District; in these regional areas the planning is less detailed and the degree of control more flexible than in the special town planning areas. It is important to remember that the term "regional" is not used in the same sense as in England where "regional" areas include not only large tracts of rural countryside but urban centres as well; in Palestine the regional areas are, in essence, rural areas.

In respect of each town planning area there is constituted a Local Commission charged with duties of advising the District Commission concerned in regard to detailed planning schemes and of executive control over building operations. These Local Commissions are of three types:—

(a) A Local Commission with jurisdiction over a special town planning area part* or the whole of which lies within a municipal area. The Ordinance provides that in such circumstances the municipal council shall be the Local Commission. The executive work of building control is undertaken by the municipal staff.

(b) A Local Commission with jurisdiction over a special town planning area which does not include any part of a municipal area but does include the area of a local council. Such Local Commission is composed of seven persons nominated, or selected from a panel nominated, by the District Commission; at least two of these persons must, in accordance with the Ordinance, be persons not being officers of the Government of Palestine. The District Commission also nominate the Chairman, who is invariably an Assistant District Commissioner; the Government Town Planner or his representative is always a member of such Commission; the other

members of the Commission include members of the local council. The executive work of building control is carried out by the local council staff.

(c) A Local Commission for each of the six regional town planning areas. These Commissions are composed as for (b) above, with the exception that the unofficial members do not necessarily include members of local councils. The executive work is done by the staff of the Government Department of Town Planning.

The numbers of Local Commissions of each type within each District are as follows:—

District	(a) Municipal area	(b) Local Council area	(c) Regional area	(d) Total
Gaza	4	1	1	6
Lydda	5	7	1	13
Jerusalem	5	2	1	8
Haifa	2	2	1	5
Samaria	3	2	1	6
Galilee	5	2	1	8
Totals	24	16	6	46

The work of the Town Planning Department is controlled by the Government Town Planner and is divided into five main groups:—

(a) The preparation of outline and certain detailed town planning schemes in the regional areas for the six administrative districts of Palestine.

(b) The preparation of schemes for the smaller towns such as Hebron, Gaza, Beersheba, Ramle, Bethlehem, Beit Jala, Ramallah, Bireh, Jericho, Nablus, Tulkarm, Hedera, Jenin, Beisan, Affuleh, Acre and Tiberias.

(c) The preparation of plans and diagrams in connection with proposals outlined by Government. These proposals affect generally the four main towns of Jerusalem, Haifa, Tel-Aviv and Jaffa.

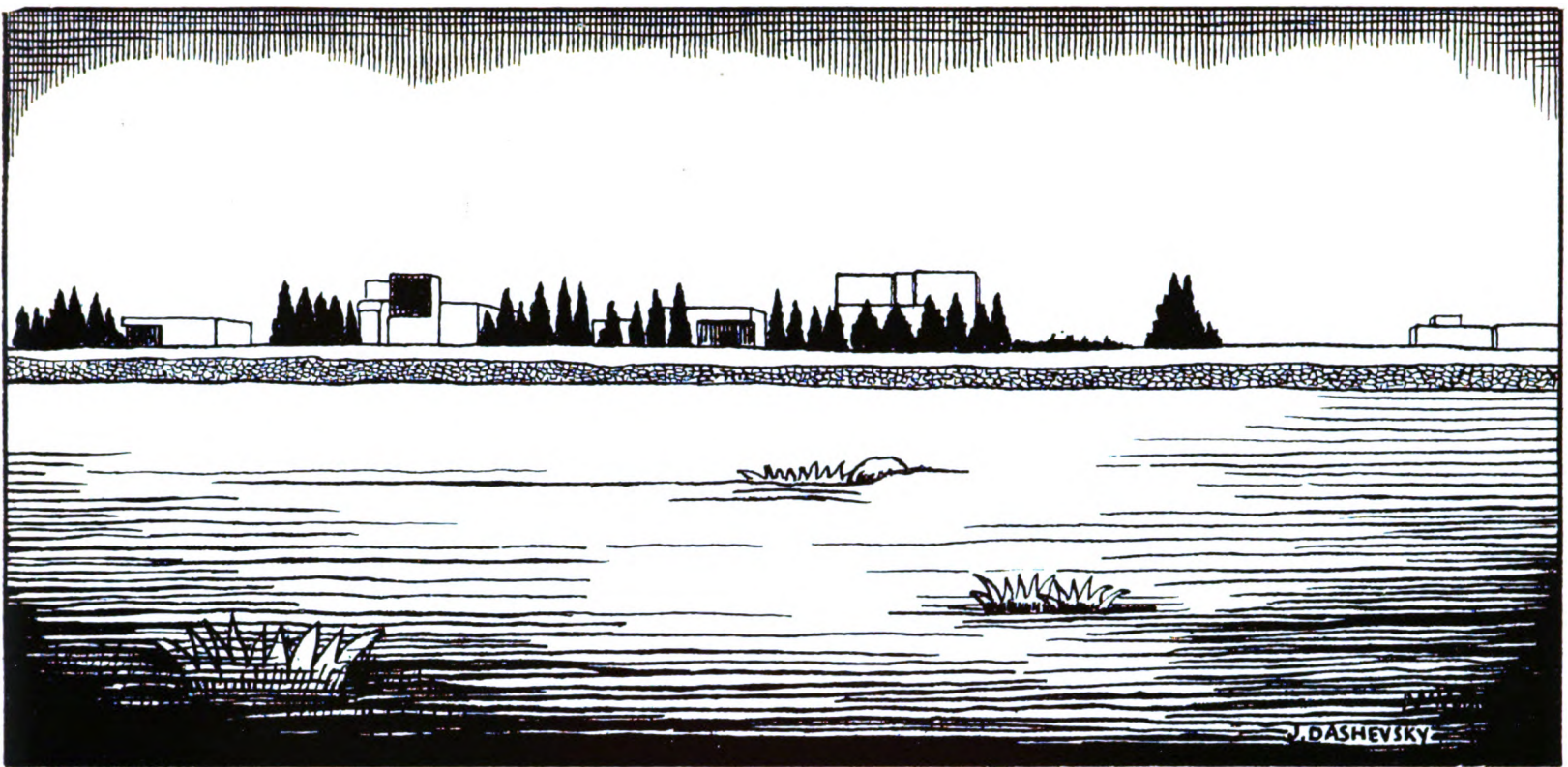
(d) The preparation of village development schemes, chiefly for the Arab areas.

(e) Building control in the rural areas.

The new Ordinance, now in Bill form, presupposes a greater participation in the planning of the smaller towns and villages of Palestine by the Town Planning Department.

In Jerusalem the Government Town Planner has specific duties in assisting Government and the local authorities in the control of design generally and the preservation of the unique character of the city and its environments.

* Jerusalem falls within this category.



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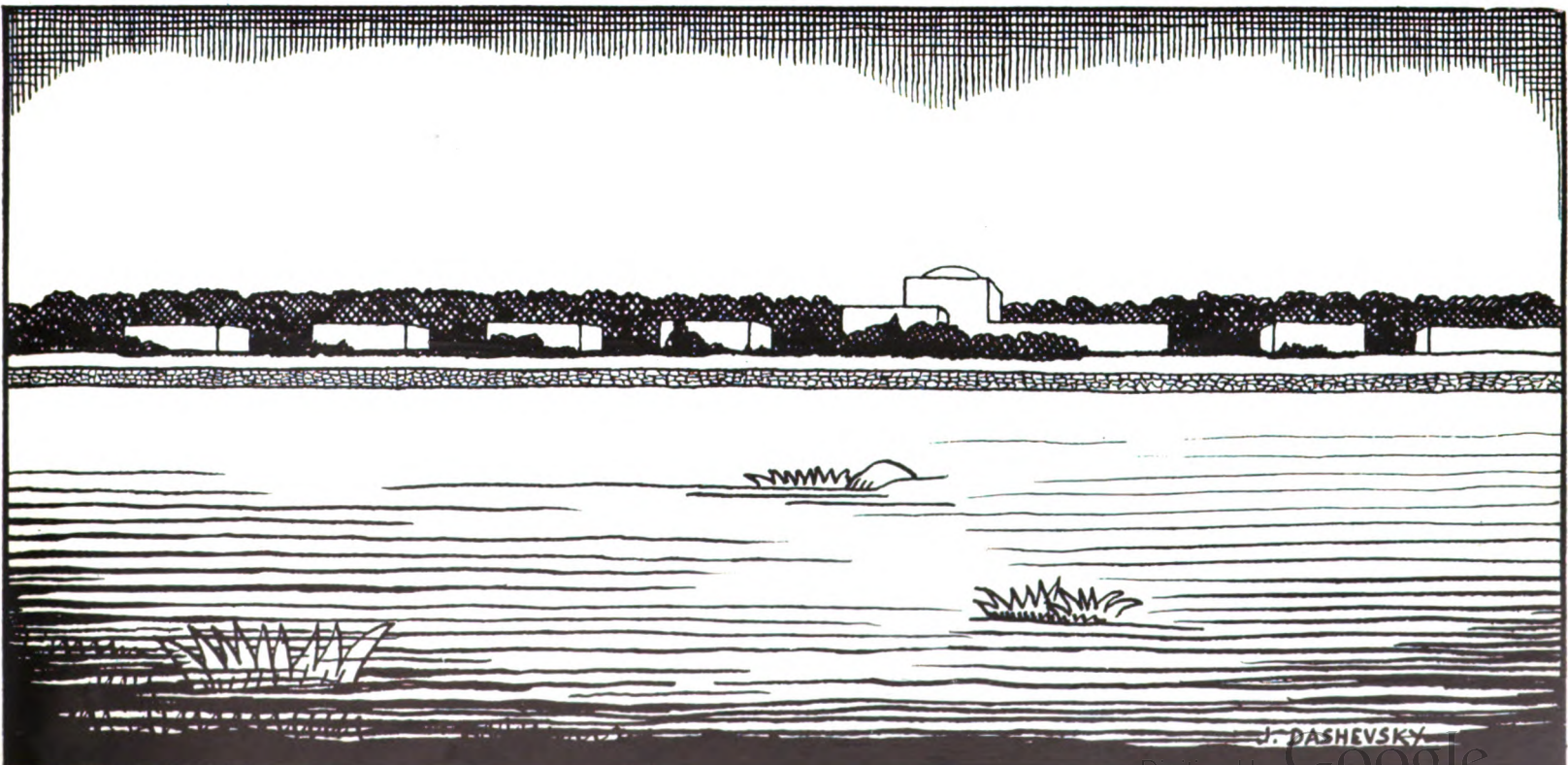


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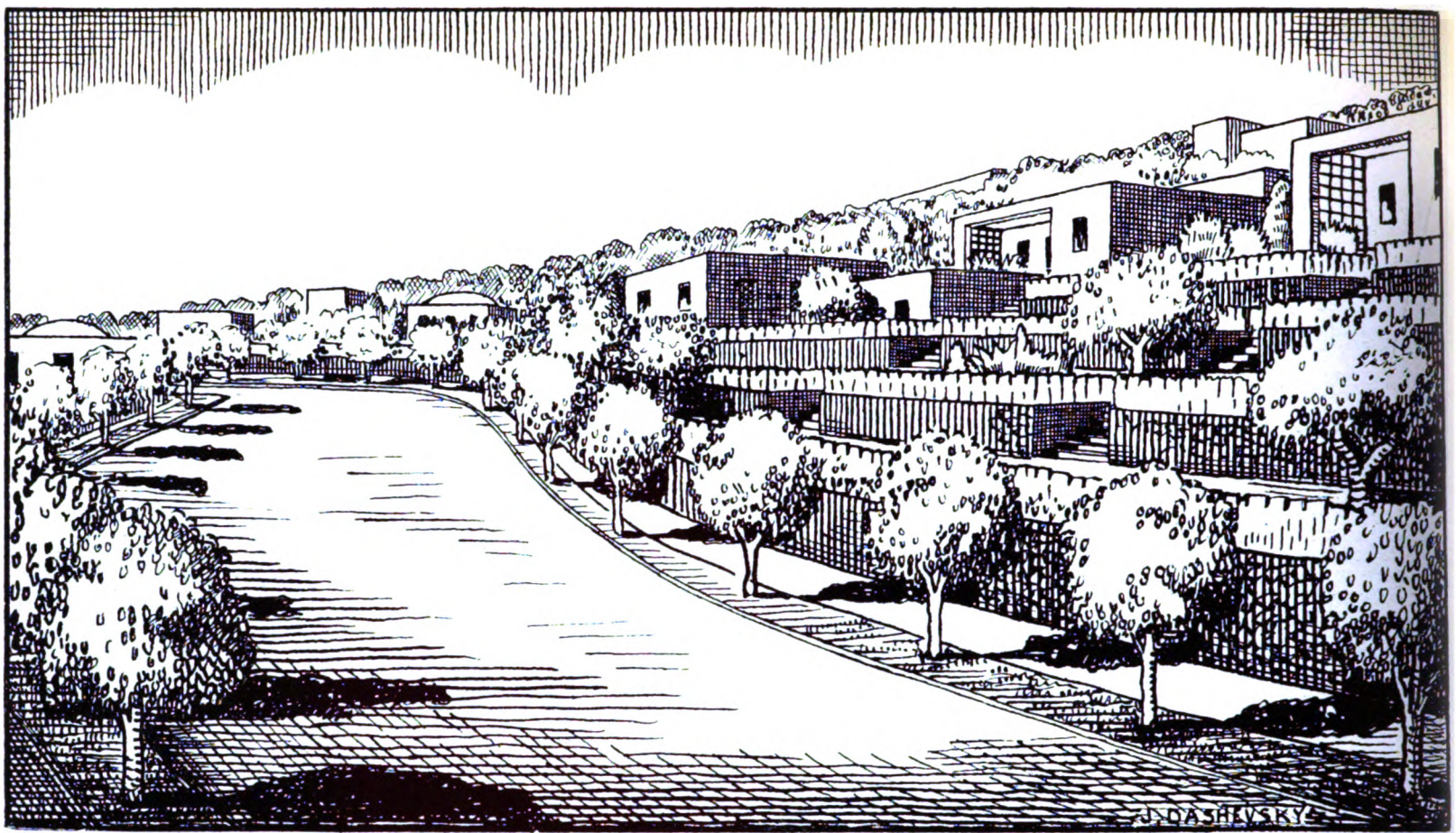
171. Diagram showing how the bad planting of scattered cypress trees and uneven building development will ultimately destroy skyline

172. Photograph of area referred to in 171

173. One manner in which the skyline can be improved by correct planting, subordinating buildings and permitting a single focal point only



173



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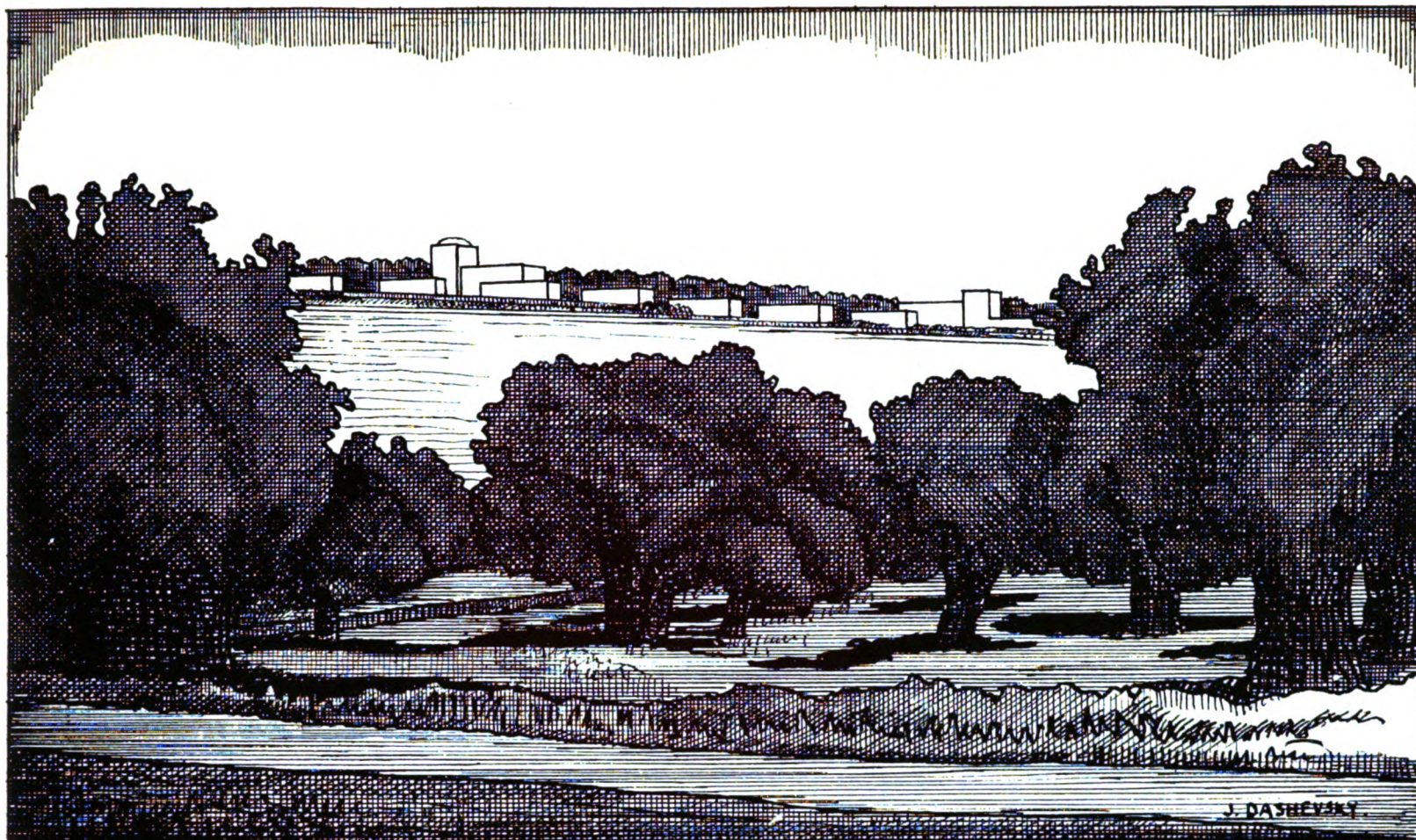
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174. Suggested treatment of hillside and main road with the object of obtaining a restful skyline

175. Present position of area referred to in 174

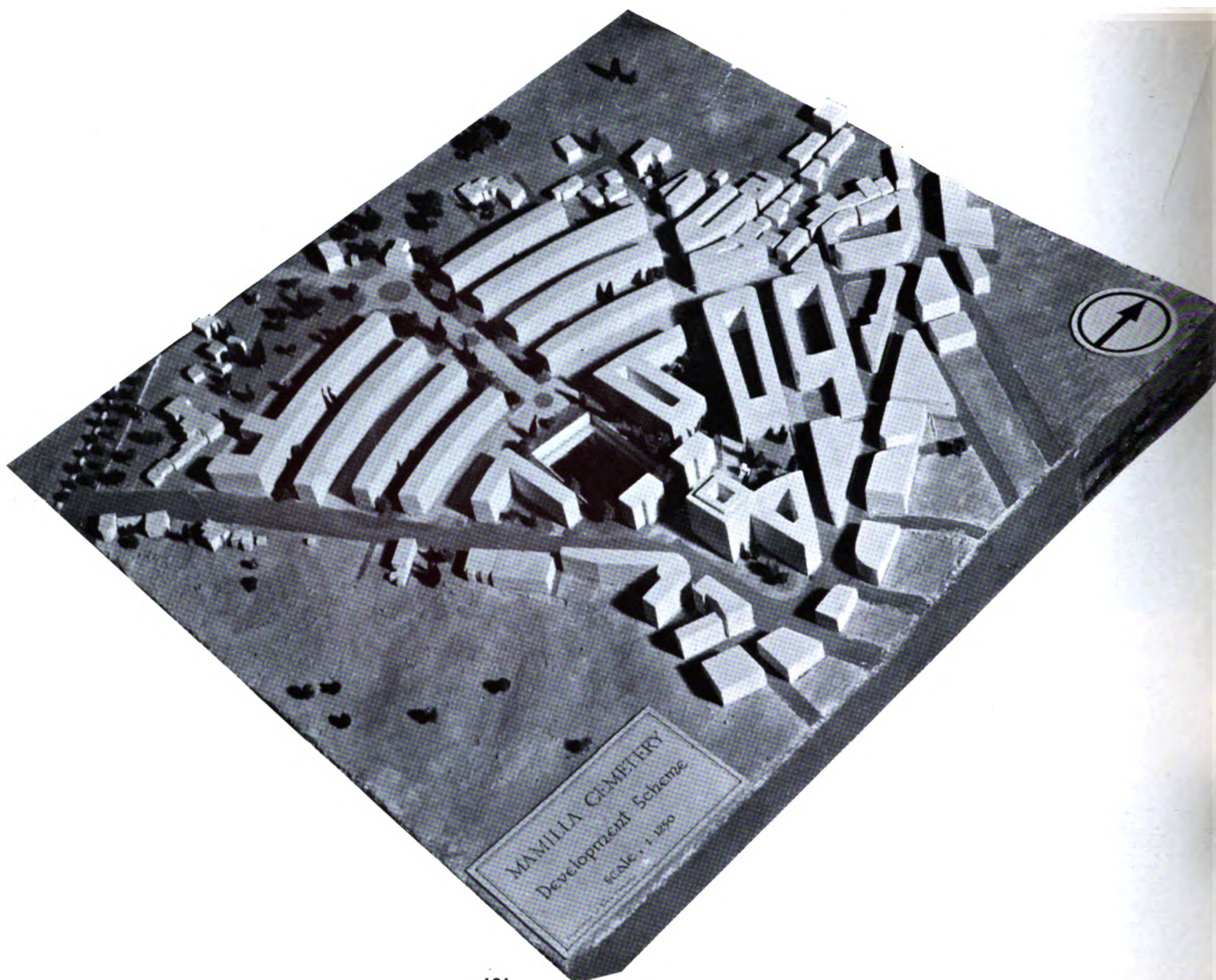
176. Another view of an area illustrating devastating effect of a high ugly building on the skyline with adjoining areas undeveloped

177. Suggested improvement of area shown in 176

178. Development on steep hillside satisfactorily treated and skyline preserved

179. Present position of locality described in 178

180. Showing important building dominating skyline and surrounded by young cypresses. Additional planting of different species may ultimately be required to prevent a broken skyline



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THE MAMILLAH POOL DEVELOPMENT SCHEME

181. Model showing suggested development of the area surrounding the ancient Roman cistern known as Mamillah Pool. Reference to the index diagram will show the central position which this area occupies in Jerusalem

Proposals are now being considered to repair and beautify the immediate surrounds of the pool, to develop part of the land for high class commercial and residential purposes. In addition it is hoped to lay out spacious public and private open spaces with tree lined boulevards between the blocks of buildings. Many fine tombs which date back to the times of Saladin will be preserved and protected from further damage and neglect



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182. One of the excellent public gardens planted and maintained by the local authority

183. A private garden, well planted, with house set back from road

184. Garden to a museum in a residential suburb

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185. The Strauss health centre with planted approaches
 186. Windmill in small garden maintained by public funds
 187. Tower of Abyssinian church situated in a well planted area

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188. Steps and wooded background of amphitheatre in Hebrew University grounds
189. Stage of amphitheatre showing magnificent view of distant Moab mountains
190. A secluded corner of the St. Simeon convent building situated in a pine forest

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191. The much frequented public garden in King George Avenue
192. View from tower of Y.M.C.A. showing part of the grounds

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CHAPTER IX

THE LAW RELATING TO PLANNING AND BUILDING

1. THIS ORDINANCE* MAY BE CITED AS THE TOWN and Country Planning and Building Ordinance, 1947.

PART I. INTERPRETATION

DEFINITIONS

2. In this Ordinance, and in any scheme made under this Ordinance, unless the context otherwise requires—

“authorised scheme” means any scheme for the putting into force of which authority has been granted under this Ordinance or any Ordinance repealed by this Ordinance ;

“building” means any construction, whether of stone, concrete, mud, iron, wood or other material, and includes any foundation, wall, roof, chimney, verandah, balcony, cornice or projection or part of a building, or anything affixed thereto, or any wall, earthbank, fence, paling or other construction enclosing or delimiting or intended to enclose or delimit any land or space ;

“building line” means a line in relation to any road or proposed road beyond which no house may project ;

“detailed scheme” means a scheme made, or deemed to have been made, under the provisions of section 12 ;

“District Commission” means the Planning and Building Commission established under the provisions of section 3 in and for a district ;

“house” means any construction enclosing a space by means of a roof or roofs and walls or columns ;

“Joint Commission” means a Planning and Building Commission established under the provisions of section 7 ;

“Local Commission” means the Planning and Building Commission established under the provisions of section 4 in and for any planning area ;

“non-conforming building” means a building constructed otherwise than in accordance with any authorised scheme, by-law or rule in force under this Ordinance applicable to, or affecting, such building (whether specifically or as being a

building situated in any particular area), or otherwise than in conformity with any permit issued in respect of its construction under the provisions of this Ordinance or of any Ordinance repealed by this Ordinance ;

“non-conforming use” in relation to any land or building, means the use of such land or building for any purpose other than a purpose for which it is permitted to be used (whether specifically or as being land or a building situated in any particular area) under any authorised scheme, by-law or rule, in force under this Ordinance applicable to, or affecting, such land or building, or under any permit issued in respect thereof under the provisions of this Ordinance or of any Ordinance repealed by this Ordinance ;

“outline scheme” means a scheme made, or deemed to have been made, under the provisions of section 10 ;

“owner” in relation to any land or building, means the registered or reputed owner thereof, and, in the event of his absence or of difficulty in establishing his identity or whereabouts, includes the person for the time being receiving the rent or profits from such land or building or who would receive such rents or profits from such land or building were it leased at a rent, and any person paying any rates or taxes in respect of such land or building, whether on his own account or as agent or trustee for any other person, and where, after a written request by the Local Commission, the occupier fails to furnish the name and address of the owner, includes such occupier ; it also includes the holder of a building or other permit issued under this Ordinance in respect of such land or building and where there is no such holder, or where such holder cannot be discovered, includes the architect, builder and any contractor and all persons and their agents actually executing or responsible for the execution of the building or other operation for which a permit was issued or required

* This ordinance although at present in bill form is in all material matters the law in force. Points of difference are mentioned in the footnotes.

Ever since 1921 building and planning activities have been controlled by one and the same ordinance.

but not any workman in the employ of such person or persons ;

"planning area" means an area constituted, or deemed to have been constituted, by the High Commissioner, by order under section 8, to be a planning area ;

"regional planning area" means an area declared by the High Commissioner by an order dated the 30th August, 1941, under section 10 (1) of the Town Planning Ordinance, 1936, to be a regional planning area ;

"road" means any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place or bridge, whether private or public, whether a thoroughfare or not, whether existing or proposed in any scheme, and includes all berms, channels, ditches, stormwater drains, culverts, sidewalks, traffic islands, roadside trees and hedges, retaining walls, fences, barriers and railings ;

"road line" means the line defining the side limits of a road ;

"scheme" includes any outline or detailed scheme and any modification of an outline or detailed scheme, as the case may be ;

"setback" means the distance from any building to the boundary of the plot upon which the building is erected, or is to be erected, or to the road line of the road on which the plot abuts ;

"this Ordinance" includes any rule made under this Ordinance ;

"zone" means any area of land shown on the plan of a scheme by distinctive colouring, hatching or edging, or a combination thereof, for the purpose of indicating the use to which the lands and buildings in such area may be put, and the regulations prescribed therefor under the scheme.

PART II. COMMISSIONS

*DISTRICT COMMISSIONS

3.—(1) There shall be established for each district a District Planning and Building Commission which shall consist of :—

- (a) the District Commissioner, who shall be Chairman ;
- (b) †the Government Town Planner ;
- (c) a representative of the Attorney General ;
- (d) a representative of the Director of Medical Services ;

* There are at present six such Commissions which control planning throughout the country. The functions of these commissions are principally directive, the executive powers resting with the Local Commissions. At all meetings the municipal engineer is present when matters concerning his area are discussed. Representatives of

(e) a representative of the Director of Public Works.

(2) A quorum of such Commission shall consist of three members. In case of an equality of votes, the Chairman shall have a second or casting vote.

(3) The District Commission shall have power to co-opt one or more persons to assist them in the elucidation of planning problems, and may require the attendance of the engineer, or any member or members, or any other member or members, of a Local Commission at any meeting at which any scheme affecting any land or building within the area of jurisdiction of such Local Commission is being considered by the District Commission.

(4) The District Commission shall exercise, in addition to its own powers and functions, all the powers and functions of a Local Commission in relation to the regional planning area within the district for which the District Commission is established.

LOCAL COMMISSIONS

4.—(1) Where, under the provisions of this Ordinance, the High Commissioner orders, or is deemed to have ordered, that an area shall be a planning area, and such planning area includes the area of a municipal corporation, or any part thereof, the Council of such municipal corporation shall be the Local Planning and Building Commission for such planning area unless the High Commissioner upon application in that behalf made by the District Commission, otherwise orders.

(2) Where, under the provisions of this Ordinance, the High Commissioner orders, or is deemed to have ordered, that an area shall be a planning area, and such planning area includes the area of a local council, or any part thereof, the Council of such local council shall be the Local Planning and Building Commission for such planning area if the High Commissioner so orders.

(3) Where, under the provisions of this Ordinance, the High Commissioner orders, or is deemed to have ordered, that an area shall be a planning area other than a regional planning area, and such planning area—

- (a) includes the area of a municipal corporation, or any part thereof, but the High Commissioner has made an order that the Council of such

public bodies and development societies are also frequently requested to attend and explain their schemes.

† By the attendance of the Government Town Planner at all meetings of the district commissions co-ordination of policy in major planning matters is assured.

PART II: COMMISSIONS

municipal corporation shall not be the Local Planning and Building Commission for such planning area, the Local Planning and Building Commission for such planning area shall consist of—

- (i) an Assistant District Commissioner, who shall be Chairman ;
 - (ii) a representative of the Government Town Planner ;
 - (iii) the Mayor of the Council of the municipal corporation ;
 - (iv) one person nominated by the Council of the municipal corporation ;
 - (v) one person nominated by the District Commission ;
 - (vi) a representative of the Director of Medical Services ;
 - (vii) the Municipal Engineer of the municipal corporation, if any ;
- (b) includes the area of a local council, or any part thereof, but the High Commissioner has not made an order that the Council of such local council shall be the Local Planning and Building Commission for such planning area, the Local Planning and Building Commission for such planning area shall consist of—
- (i) an Assistant District Commissioner, who shall be Chairman ;
 - (ii) a representative of the Government Town Planner ;
 - (iii) the President of the Council of the local council ;
 - (iv) one person nominated by the Council of the local council ;
 - (v) one person nominated by the District Commission ;
 - (vi) a representative of the Director of Medical Services ;
 - (vii) the Engineer of the local council, if any ;
- (c) does not include the area of a municipal corporation or local council, or any part thereof, the Local Planning and Building Commission shall consist of such persons as the High Commissioner may, upon the recommendation of the District Commission, by order determine.
- (4) The Local Commission shall have power to coopt as members one or more persons representative of any association or similar body concerned with the development of urban or rural areas.
- (5) Persons nominated by the Council of the municipal corporation or local council, as the case may be, and persons nominated by the District Commission, shall hold office for not more than

three years but may be re-nominated at the termination of their period of office.

(6) Notwithstanding anything contained in the Municipal Corporations Ordinance, 1934, or the Local Councils Ordinance, 1941, the quorum of a Local Commission constituted under this section shall consist of four members. In the case of an equality of votes, the Chairman shall have a second or casting vote.

(7) (a) Where a Local Commission for any planning area constituted under this section is the Council of a municipal corporation, or the Council of a local council, such Council shall exercise in such planning area the powers by this Ordinance conferred upon a Local Commission, and any money or fees payable or expenses incurred in connection therewith shall respectively be paid into, or defrayed from, the municipal fund or local council fund, as the case may be, notwithstanding that some part of such planning area is outside the area of such municipal corporation or local council, as the case may be.

(b) Where a Local Commission for any planning area constituted under this section is not the Council of a municipal corporation or the Council of a local council, the High Commissioner may give directions as to the manner in which the powers conferred upon a Local Commission by this Ordinance may be exercised by such Local Commission, and, in particular, but without prejudice to the generality of the foregoing power, may give directions as to the manner of collection or payment of any money or fees payable, or expenses incurred, by such Local Commission and the vesting of any land in connection with the exercise of such powers.

LOCAL COMMISSION TO FURNISH

PARTICULARS TO DISTRICT COMMISSION

5.—(1) The Local Commission for each planning area, other than a regional planning area, shall from time to time furnish the District Commission for the district within which such planning area is situated with such particulars and information as may be required by such District Commission with regard to the needs of the planning area as regards widening of roads, the provision of new roads or open spaces, and such other matters as are within the competence of a Local Commission, and as to the probable direction and nature of the development of the area.

(2) The Government Town Planner shall from time to time furnish the District Commission for each district with such particulars and information as may be required by such District Commission with regard to the needs of the regional planning area situated within such district as regards the widening of roads, the provision of new roads or open spaces, and such other matters as are within the competence of a Local Commission, and as to the probable direction and nature of the development of the area.

POWERS AND DUTIES OF LOCAL COMMISSION

6.—(1) The Local Commission shall regulate the construction and demolition of buildings, the widening and arrangement of roads, and other matters provided for in accordance with the provisions of this or any other Ordinance and of any authorised scheme, by-laws or rules made thereunder.

(2) A Local Commission shall in accordance with the provisions of this Ordinance take all steps necessary to ensure that the provisions of this Ordinance and of any authorised scheme, by-laws or rules made, or deemed to have been made, thereunder are complied with.

(3) The District Commission may by notice in writing call upon a Local Commission to take such steps as are mentioned in subsection (2), either generally or in respect of any particular case, and if such Local Commission shall fail within the time stated in such notice to comply therewith, the District Commission may take such steps, and shall for such purpose be vested with all the powers of such Local Commission, and any expenses incurred for such purpose by the District Commission shall be recoverable from the Local Commission.

*JOINT COMMISSIONS

7.—(1) The High Commissioner may, if it appears to him to be expedient so to do, by order, constitute, for any area which comprises two or more planning areas, a Joint Planning and Building Commission, composed of at least one member of the Local Commission of each planning area in such area and such other person or persons as he may specify in such order.

(2) A Joint Planning and Building Commission constituted by an order under subsection (1) shall have such powers and obligations as are specified in such order.

* This section is an innovation and has not yet been tried out in practice. It was felt that the need for such commissions has made itself felt in the environs of large towns such as Tel Aviv and Haifa.

PART III. PLANNING AREAS

CONSTITUTION OF PLANNING AREA

8.—(1) Upon application in that behalf made by a District Commission, the High Commissioner may order that any area within the district shall be a planning area. Such order shall be published in the *Gazette* and, if the planning area includes the area of a municipal corporation, or any part thereof, or the area of a local council, or any part thereof, shall, in addition, be posted at the municipal or local council offices, as the case may be. It shall come into force seven days after the date of publication thereof in the *Gazette*, unless another date is fixed therein.

(2) The limits of a planning area shall be fixed by the District Commission and shall be stated in the order made under subsection (1).

(3) Notwithstanding anything contained in this Ordinance, each of the areas set out in the first column of the Second Schedule, being areas declared to be planning areas by the orders set out in the second column of the Second Schedule opposite each such area respectively, shall, from the commencement of this Ordinance, be deemed to be a planning area constituted by order of the High Commissioner under this section, and its limits as stated in the order by which it was declared a town planning area shall be deemed to have been fixed by the District Commission and stated in an order by the High Commissioner under this section, and each of the orders set out in the second column of the Second Schedule may be varied or revoked by the High Commissioner as if it were an order made by the High Commissioner under this section.

†RESTRICTION ON BUILDING, ETC., AFTER CONSTITUTION OF PLANNING AREA

9. From the date of the constitution of a planning area the following provisions shall apply within such area :—

(a) no person shall lay out or construct or close, or attempt to lay out or construct or close, any road without a permit to that effect first obtained from the Local Commission.

(b) no building shall be erected, pulled down or reconstructed, and no alteration, addition or structural repair (other than non-structural internal repairs) shall be made to any building without a permit to that effect first obtained from the Local Commission.

† This is a most important section from the legal point of view and is invariably used to prosecute persons who have commenced building or planning operations without a permit. No order has yet been made under the proviso of the section.

PART IV: SCHEMES

(c) no building or land shall be put to any non-conforming use, and no non-conforming building may be erected, without a permit to that effect first obtained from the Local Commission and approved in writing by the District Commission ;

Provided that the District Commission may, by order, direct that the provisions of this section, or any of them, shall not apply within any specified part or parts of a planning area, or shall apply only within any specified part or parts thereof, or shall apply subject to such modifications as may be prescribed in such order.

(d) no person shall sub-divide, or register in any land register any sub-division of, any land in any planning area into plots of less than ten metric dunums in area, save under the authority of, and in accordance with, a sub-division plan approved by the Local Commission under section 19, and any sub-division of any land in any planning area, and any registration thereof, made in contravention of this section shall be null and void.

PART IV. SCHEMES

OUTLINE SCHEME

10.—(1) Every Local Commission shall submit to the District Commission within such time as may be prescribed by the District Commission, an outline scheme in respect of all or any of the lands within a planning area, with the general object of controlling the development of the land comprised in the area, of securing proper conditions of health, sanitation, communication, amenity and convenience in connection with the laying out and use of land and of preserving existing buildings or other objects of architectural, historic or other interest, and places of natural interest or beauty, and generally of protecting the existing amenities.

(2) Without prejudice to the powers of a Local Commission under this Ordinance, a Local Commission may, and, if so required by the District Commission, shall, make provision in an outline scheme for all or any of the matters set out in section 12 and all or any of the following matters :—

- (a) construction of new roads and the construction, diversion, widening, alteration and stopping up of existing roads ;
- (b) the establishment of building lines and setbacks ;
- (c) drainage, including sewerage ;

- (d) water supply ;
- (e) the limitation of zones within which special trades or industries may or may not be carried on, or which are reserved exclusively for residential or other purposes ;
- (f) the imposition of conditions or restrictions in regard to the size of any plot of land upon which any building may be erected, the open space to be maintained about any building, and the height, size or character of any building to be allowed in any zone or specified area ;
- (g) the demarcation of land for private open spaces or for public open spaces, nature reserves or other public purposes ;
- (h) the reservation of land as sites for aerodromes, harbours, ports, railway stations or omnibus stations, or for use for other public services ;
- (i) the reservation of land for, and the control of, burial grounds and the closing of existing burial grounds ;
- (j) the demarcation of land wherein, and the conditions upon which, quarrying for stone, gravel, earth, or sand may be carried out, or of land wherein quarrying may not be carried out ;
- (k) the registration in the name of the High Commissioner in trust for the Government of Palestine, or in the name of a municipal corporation, local council, or other local authority, of land reserved for roads, public open spaces or other public purposes ;
- (l) the approval of companies, societies, or associations as approved building companies for the purpose of carrying out a housing scheme or schemes, and the conditions upon which such housing scheme or schemes may be carried out ;
- (m) the conditions upon which, and the person or persons by whom, relaxations from the provisions of the scheme may be granted ;
- (n) the imposition of an obligation upon the owner of any land or building to grant to the owner of any adjacent land or building, or to a local authority, a right of way for the passage of drainage, sewers, water supply pipes, or surface water channels ;
- (o) subject to the provisions of this Ordinance, appeals by persons aggrieved by the refusal of a Local Commission to grant its approval or make a recommendation for any matter for which its approval or recommendation is required in accordance with the scheme ;
- (p) subject to the provisions of this Ordinance, the delegation by a District Commission or Local

Commission of any of the powers conferred upon it by the scheme to the Chairman of the respective Commission or any other person, or to both, or to a Committee, for the purpose of carrying out the objects of the scheme.

*(3) The scheme shall be accompanied by a plan or plans of the area to which it applies.

(4) It shall not be necessary to publish the scheme in the *Gazette*, but if it is so published judicial notice shall be taken thereof.

(5) If a Local Commission fails to submit a scheme when required to do so in accordance with the provisions hereof, the District Commission may prepare such scheme and such scheme shall for all the purposes of this Ordinance be deemed to be an outline scheme prepared by the Local Commission.

RESTRICTION ON BUILDING IN CONSEQUENCE OF OUTLINE SCHEME OR MODIFICATION THEREOF

11.—(1) As soon as a Local Commission has passed a resolution to prepare an outline scheme for all or any of the lands within their planning area, or as soon as the District Commission has passed a resolution to prepare a modification of any such scheme, the Local Commission or District Commission, as the case may be, shall publish a notice in the *Gazette* and locally stating that the scheme, or modification, as the case may be, is under preparation for such area. After publication of the notice the District Commission may prescribe conditions subject to which any building permit may be granted within the area to which such proposed scheme or modification applies.

(2) After the deposit of an outline or detailed scheme or any modification thereof in accordance with the provisions of section 14, no building permit shall be granted by the Local Commission in the area to which such scheme or modification applies, save in accordance with such scheme or modification, unless and until the approval in writing of the District Commission has been first obtained.

(3) The District Commission may at any time after the deposit of such scheme or modification in accordance with the provisions of section 14 prohibit the grant of any permit within the area to which such scheme or modification applies, or prescribe conditions under which a permit may be granted.

DETAILED SCHEME

12.—(1) A Local Commission may at any time prepare a detailed scheme as regards any land within

their planning area, or may adopt, with or without modification, any detailed scheme proposed by all or any of the owners of any such land. Such scheme shall not have effect unless and until it is approved by the District Commission, which may refuse to approve it except with such modifications and subject to such conditions as it thinks fit.

(2) A detailed scheme prepared or adopted under this section may deal with all or any of the matters set out in subsection (2) of section 10 and, in addition, with all or any of the following matters :—

- (a) the plotting-out of land as building areas and sites and the shape and minimum frontages of building plots ;
- (b) the allotment of land for public purposes of all kinds, including roads, open spaces, gardens, schools, places of religious worship, recreation grounds, car-parks, aerodromes, markets, slaughter-houses, and cemeteries ;
- (c) dedication of roads or open spaces to the public ;
- (d) the prohibition, regulation and control of the deposit or disposal of waste materials, and refuse ;
- (e) lighting and electric power, and the siting of electric power cable reserves ;
- (f) the determination of the situation of buildings designed for specific use, and the demarcation of areas subject to restrictive conditions ;
- (g) the preservation of objects of archaeological interest or beauty, and the buildings or places used for religious purposes or cemeteries, or regarded with religious veneration ;
- (h) the abolition and reconstruction of overcrowded and congested areas and the reconstruction of partly built-up areas which have been built upon in such a manner that further building may, in the opinion of the Local Commission, result in overcrowding and congestion, and the imposition of special conditions for the grant of building permits in such areas ;
- (i) the compulsory acquisition, by the owner of a piece of land which is not of the size and shape required for a plot by the scheme, of the whole or part of any piece or pieces of land (hereinafter referred to as "the complementary piece or pieces") adjoining his piece of land which is, or are, not owned by him, so that his piece of land together with the complementary piece or pieces will constitute a plot of the size and shape required by the scheme, the registration of the complementary piece or pieces in his name in the

* A standard colour notation has been adopted for all areas and is covered by Part XV of the rules for plans accompanying schemes.

PART IV: SCHEMES

land registers, and the determination, by arbitration or otherwise, of the amount, and the manner of payment, of compensation payable by him to the owner or owners of the complementary piece or pieces ;

- *(j) the replanning of any area which has not been planned in accordance with any authorised scheme applicable to the area, or which, although originally planned in accordance with such an authorised scheme, is not planned in accordance with any modification of such authorised scheme or with an authorised scheme replacing such authorised scheme, and the allocation, in separate or joint ownership, among all the owners of plots of land in that area (hereinafter referred to as "original plots") of plots of land (hereinafter referred to as "new plots") which, by reason of their shape, situation or size, or otherwise, are in conformity with such authorised scheme, or modification thereof, or the authorised scheme replacing such authorised scheme, as the case may be, and which are situated as near as may be in the vicinity of the original plots of the respective owners to which they are allocated and, before deduction of any part thereof, being not more than one quarter thereof, for any of the purposes specified in section 28, are as near as may be equivalent in area in the aggregate to the area in the aggregate of the original plots of the respective owners to whom they are allocated, the registration in the land registers of new plots in the name or names of the owner or owners of the original plots to whom they are allocated, and, if any buildings have been lawfully erected in such area, but not otherwise, the payment of compensation for any demolition or alteration of such buildings required so that the replanning of the area may be carried out ;
- (k) the allocation of plots to any owner dispossessed of land in furtherance of the scheme ;
- (l) the control of the siting, size, height, design and external appearance of buildings, including the renovation and improvement of existing buildings by the owners thereof within such time as may be fixed by the Local Commission ;
- (m) the planting and preservation of trees ;

* Under this subsection the Local Commission is empowered, with or without the consent of the owners of land in an area which has not been planned in accordance with any outline scheme, to re-plan that area and to allocate, in separate or joint ownership among such owners, plots in the area as re-planned in conformity with such outline scheme. Experience has shown that for orderly planning it is essential that the Local Commission should have such power. The re-planning will be by means of a detailed scheme which will require the approval of the

- (n) the number of buildings which may be erected on a plot of land, the number of apartments of which a building may consist, and the number of rooms of which a building or apartment may consist ;
 - (o) the special powers to be vested in the Local Commission or any other person for the purpose of carrying out all or any of the objects of the scheme ;
 - (p) any special conditions for the exercise of such powers as regards notice or otherwise ;
 - (q) the costs of the scheme, including the cost of the preparation and execution thereof.
- (3) The scheme shall be accompanied by a plan or plans of the area to which it applies.
- (4) It shall not be necessary to publish the scheme in the *Gazette*, but if it is so published judicial notice shall be taken thereof.

DISTRICT COMMISSION MAY REQUIRE

PREPARATION OF DETAILED SCHEME

†13.—(1) Where the District Commission is satisfied that a detailed scheme ought to be made by a Local Commission as regards any land within a planning area, the District Commission may require the Local Commission to prepare and submit such a scheme, and, if the scheme is approved, to do all things necessary for its execution.

(2) If a Local Commission fails to submit a detailed scheme when required so to do in accordance with the provisions of this section, the District Commission may prepare a detailed scheme and such scheme shall for all the purposes of this Ordinance be deemed to be a detailed scheme prepared by the Local Commission.

PUBLICATION OF SCHEMES

14.—(1) Copies of outline and detailed schemes and the plans annexed thereto shall be deposited at the office of the Local Commission and shall be open for inspection by any person interested free of charge. Notice of such deposit shall be published in the *Gazette* and shall be posted at the municipal offices if the scheme includes the area of a municipal corporation, or any part thereof, and at the local council offices if the scheme includes the area of a local council, or any part thereof, or, if the scheme does not include the area of a municipal corporation

District Commission before it can be put into force. Should any dispute arise as to the amount of compensation, if any, payable to any owner of a plot in a re-planned area, or by whom such compensation should be paid, the question will be determined in the manner prescribed by rules made under section 41 (u).

† This section has proved of value in a few cases where the local authority (for reasons other than planning) has delayed the preparation of a scheme and prevented persons from developing their land.

or local council, or any part thereof, at some place where public notices relating to the area of the scheme are usually posted.

(2) Notice of the deposit of the scheme shall also be given to—

- (a) any commission or other authority which may be established for the protection of holy sites in Palestine, if any land to which the scheme applies is, or is in the neighbourhood of, a holy site;
- (b) the Local Commission of each planning area which is contiguous with the planning area within which the land to which the scheme applies is situated;
- (c) the Local Commission of each planning area, other than the planning area within which the land to which the scheme applies is situated, in the district within which the said land is situated if the said land is situated in a regional planning area.

OBJECTIONS TO SCHEMES

*15.—(1) Any person interested as owner or otherwise in land, buildings or other property affected by any scheme deposited in accordance with the provisions of section 14, may lodge objection thereto at the office of the Local Commission within two months of the date of the publication in the *Gazette* of the notice of deposit or within such extended period as the District Commission may, in any particular case or class of case, determine.

(2) The Local Commission shall forward all objections to the District Commission together with a report thereon. Every objection shall be considered by the District Commission and an answer thereto intimating the rejection of the objection or any modification of the scheme made in consequence of the objection shall be notified by the District Commission, through the Local Commission, to the person by whom the objection was made.

APPROVAL AND COMING INTO FORCE OF OUTLINE SCHEMES

16.—(1) After the period for lodging objections to any outline scheme has elapsed, the District Commission may apply to the High Commissioner for authority to put the scheme into force. A copy of the scheme and plans shall be annexed to the application, together with a statement of objections lodged against the scheme and the answers furnished

thereto. Any member of the District Commission may annex to the application a separate statement of his opinion with reference to the scheme. The High Commissioner may at his discretion grant such authority to put the scheme into force, with or without modifications, and his decision shall be final.†

(2) Where the High Commissioner grants authority to put a scheme into force under subsection (1), notification thereof shall be published in the *Gazette* and shall be posted at the municipal offices if the scheme includes the area of a municipal corporation, or any part thereof, and at the local council offices if the scheme includes the area of a local council, or any part thereof, or, if the scheme does not include the area of a municipal corporation or a local council, or any part thereof, at some place where public notices are usually posted relating to the area of the scheme. Copies of the scheme and of the plans as authorised by the High Commissioner shall be deposited and be open for inspection at the office of the Local Commission, and a notice of such deposit shall be published in the *Gazette*.

(3) The scheme shall come into force at the date fixed by the High Commissioner:

Provided that, if the High Commissioner has not fixed any date therefor, the scheme shall come into force fifteen days after the publication in the *Gazette* of the notice of the deposit of the scheme at the office of the Local Commission.

APPROVAL AND COMING INTO FORCE OF DETAILED SCHEMES

17.—(1) After the period for lodging objections to any detailed scheme has elapsed, the District Commission may at its discretion grant authority to put the scheme into force.

(2) Where a District Commission grants authority to put a scheme into force under subsection (1), notification thereof shall be published in the *Gazette* and shall be posted at the municipal offices if the scheme includes the area of a municipal corporation, or any part thereof, and at the local council offices if the scheme includes the area of a local council, or any part thereof, or, if the scheme does not include the area of a municipal corporation or local council, or any part thereof, at some place where public notices are usually posted relating to the area of the scheme. Copies of the scheme and of the plans as authorised by the District Commission shall

* Although the maximum period for objections is two months all commissions give consideration to objections if submitted after this period provided they are relevant and explanations are given why they were not submitted within the statutory time limit.

† If the modifications are numerous and important and materially affect the whole character of the scheme, it is customary for the District Commission to re-deposit the scheme in its modified form.

be deposited and be open for inspection at the office of the Local Commission, and a notice of such deposit shall be published in the *Gazette*.

(3) The scheme shall come into force at the date fixed by the District Commission:

Provided that, if the District Commission has not fixed any date therefor, the scheme shall come into force fifteen days after the publication in the *Gazette* of the notice of the deposit of the scheme at the office of the Local Commission.

POWER TO MODIFY, SUSPEND OR ANNUL OUTLINE OR DETAILED SCHEME

18.—(1) The District Commission may from time to time modify, suspend, or annul, any detailed scheme, and, with the authority of the High Commissioner, may from time to time modify, suspend, or annul, any outline scheme.

(2) (a) Any such modification, together with the plan, if any, shall be deposited, and put into force in the same manner as an outline or detailed scheme, as the case may be, is deposited and put into force respectively, and notice of the deposit of such modification shall be posted and published in the same manner as notice of the deposit of an outline or detailed scheme, as the case may be, is posted and published, and the provisions of sections 14, 15 and 16 or 17, as the case may be, shall apply to such modification *mutatis mutandis* as if such modification were an outline or detailed scheme, as the case may be.

(b) A copy of the resolution of the District Commission to suspend or annul any outline or detailed scheme shall be deposited, and such resolution shall be put into force, in the same manner as an outline or detailed scheme, as the case may be, is deposited and put into force respectively, and notice of the deposit of a copy of such resolution shall be posted and published in the same manner as notice of the deposit of an outline or detailed scheme, as the case may be, is posted and published, and the provisions of sections 14, 15 and 16 or 17, as the case may be, shall apply to such resolution *mutatis mutandis* as though such resolution were an outline or detailed scheme, as the case may be.

(3) A parcellation scheme put into force under the provisions of the Town Planning Ordinance, 1936, and in force at the commencement of this Ordinance may be modified, suspended or annulled under the

provisions of this section, as if it were a detailed scheme.

SUB-DIVISION PLANS

19.—(1) The owner of any land situated within an area to which an authorised scheme applies may, and, if required by the Local Commission by notice, shall, within a time to be stated in such notice, submit to the Local Commission for approval a sub-division plan in respect of such land.

(2) A sub-division plan shall indicate clearly the boundaries of the land to which it applies, the boundaries of the plots into which it is proposed to sub-divide such land, the road or roads shown on the plan accompanying the authorised scheme applicable to the area within which such land is situated to which each such plot will have access, and such other particulars as the Local Commission may require to enable it to determine whether the sub-division shown on the sub-division plan is in conformity with the said authorised scheme.

(3) Save with the authority of the District Commission, the Local Commission shall not approve a sub-division plan unless each of the plots into which it is proposed to sub-divide the land to which the sub-division plan applies has access to a road or roads shown on the plan accompanying the authorised scheme applicable to the area within which such land is situated and the sub-division shown on the sub-division plan is in conformity with the said authorised scheme.

(4) Where the Local Commission refuses to approve a sub-division plan, the owner of the land to which such sub-division plan applies may, within two months of the date upon which he is notified of such refusal, require the question to be referred to the District Commission by the Local Commission and such question shall thereupon be referred by the Local Commission to the District Commission whose decision shall be final.

(5) Where a sub-division plan has been approved by a Local Commission or District Commission under this section, the Local Commission shall cause to be enacted thereon a statement, signed by the Chairman of the Local Commission, to the effect that the sub-division is in accordance with the authorised scheme applicable to the area within which the land to which the sub-division plan applies is situated and that the sub-division plan has been approved by the Local Commission, or the District Commission, as the case may be, and the Director of Land Registration shall thereafter, upon the application of the

owner of the said land, cause the sub-division to be registered in the land registers.

(6) The Local Commission may from time to time, with the authority of the District Commission, after having notified the owner of any land to which an approved sub-division plan applies of its intention to modify, suspend, or annul, such sub-division plan and considered any objection to its so doing lodged with it by such owner within two months of the date upon which he is notified of such intention, modify, suspend, or annul, such sub-division plan.

(7) Where a sub-division plan has been modified, suspended or annulled by the Local Commission under subsection (6) the Local Commission shall forward to the Director of Land Registration a certificate to that effect signed by the Chairman of the Local Commission, and the Director of Land Registration shall, upon receipt of such certificate, cause the appropriate entries to be made in the land registers.

(8) The District Commission may delegate its powers under this section in respect of all regional planning areas to the Government Town Planner.

MAXIMUM PERIOD OF NON-CONFORMITY

*20.—(1) At any time after the coming into force of any scheme, the Local Commission may, with the authority of the District Commission, and, if required so to do by the District Commission, shall, prepare a list of all buildings within the area to which the scheme applies which are being put to a non-conforming use or are non-conforming buildings by reason of the coming into force of the scheme, and determine, in accordance with the provisions of this section, the maximum period (hereinafter referred to as "maximum period of non-conformity"), being not more than twenty years, during which such buildings may continue to be put to such non-conforming use or continue to be non-conforming buildings, as the case may be.

(2) Where the Local Commission, in exercise of the power conferred upon it, or in performance of the duty imposed upon it, by subsection (1), has prepared the list mentioned in that subsection, the provisions of subsection (1) of section 14, section 15 and section 17 shall apply *mutatis mutandis* to such list as if such list were a detailed scheme, and in every notice published in accordance with the provisions

of subsection (1) of section 14 as applied as aforesaid it shall be stated that the Local Commission intends to determine the maximum period of non-conformity in respect of the buildings set out in such list.

(3) Upon the completion of the list mentioned in subsection (1) in accordance with subsection (2), the Local Commission shall proceed to determine the maximum period of non-conformity in respect of each of the buildings set out in the list, taking into consideration all the circumstances, including—

- (a) the probable effective physical life of each building, having regard to its age and condition ;
- (b) the probable effective economic and income-producing life of each building ; and
- (c) the degree and nature of the non-conformity.

(4) Where the Local Commission, in exercise of the power conferred upon them, or in performance of the duty imposed upon them, by this section, have determined the maximum period of non-conformity of any building the provisions of subsection (1) of section 14, and the provisions of section 15 and section 17 shall apply *mutatis mutandis* to such determination as if it were a detailed scheme.

(5) Not later than the expiration of the maximum period of non-conformity of any building, determined in accordance with the provisions of this section, the non-conforming use of such building shall be discontinued or the non-conforming building shall be so altered that the building ceases to be a non-conforming building or shall be pulled down or removed, as the case may be, and no compensation shall be payable to the owner of such building in respect of such discontinuance, alteration, pulling down or removal, as the case may be :

Provided that the Local Commission may, with the authority of the District Commission, if they consider it necessary so to do, by notice in writing, direct the owner of such building to discontinue such non-conforming use or alter, pull down or remove such non-conforming building, as the case may be, and in the event of the owner of such building being entitled to compensation for compliance with such direction, in the assessment of such compensation due regard shall be had to the fact that such non-conforming use would have had to be discontinued or such non-conforming building would have had to be altered, pulled down or

* As can be seen this section is designed to give effect to the recommendation of the Uthwatt Committee by placing a "life" on "non-conforming" buildings and uses with a view to securing conformity, without compensation, at the expiration of that "life," and that if

the planning authority considers it necessary to enforce conformity before the expiration of that "life" any compensation payable shall be assessed by reference to the remainder of the "life" still outstanding. This section is new but almost similar powers are already in force under other ordinances.

PARTS V AND VI: PERMITS AND EXPROPRIATION

removed not later than at the expiration of the maximum period of non-conformity without any compensation being payable.

PART V. PERMITS

GRANT OF PERMITS

21. From and after the date on which any area becomes, or is deemed to become, a planning area under the provisions of this Ordinance, the Local Commission shall not grant any permit in respect of any land or building within such area unless the contemplated work or other matter in respect of which the permit is sought is in accordance with any rules applying to such area made under the provisions of this Ordinance, and, if any outline or detailed scheme has been, or is deemed to have been, put into force under the provisions of this Ordinance in respect of the area in which such land or building is situated, such work or matter is in accordance with, and fulfils the requirements of, such scheme.

APPEAL FROM REFUSAL TO GRANT PERMIT

*22. Any person aggrieved by the refusal of a Local Commission to grant a permit may, within two months of the date upon which he is notified of such refusal, require the question to be referred to the District Commission and such question shall thereupon be referred to the District Commission whose decision shall be final.

RELAXATIONS

23. The Local Commission may, upon the application of any person applying to it for a permit, and with the approval of the District Commission, in granting such permit, grant a relaxation of any restriction applicable under any authorised scheme, by-law or rule made, or deemed to have been made, under this Ordinance, either unconditionally or subject to conditions :

Provided that the Local Commission shall not grant such relaxation unless and until :—

- (a) it is satisfied that the owners of any lands or buildings which, in its opinion, will be, or may be, adversely affected by the grant of such relaxation have had a reasonable opportunity of objecting to such grant, and
- (b) it has considered any objections lodged with it by the owners of such lands or buildings within such time as it may consider reasonable.

* Many appeals are lodged and of recent years the District Commissions have adopted a sympathetic attitude to applications for relaxations in cases where, in their opinion, no fundamental law is violated.

REFERENCE TO DISTRICT COMMISSION

24. Any two members of a Local Commission may demand that the Local Commission shall refer to the District Commission any specified application for the grant of a permit and such reference shall be made accordingly within fourteen days of the demand therefor. The decision of the District Commission as to the grant or refusal of the application so referred shall be final.

†PART VI. EXPROPRIATION

DISTRICT COMMISSION MAY REQUIRE EXPROPRIATION

25.—(1) At any time after the date at which an outline or detailed scheme has been, or is deemed to have been, put into force in accordance with the provisions of this Ordinance, the District Commission may, after having consulted the Local Commission, by notice, require the Local Commission to proceed to the expropriation of all or any of the lands and buildings situated within the area to which the scheme applies the expropriation of which is, in the opinion of the District Commission, necessary for any of the public purposes specified in paragraph (b) of subsection (2) of section 12.

(2) If within the time stated in any such notice the Local Commission fails to proceed to the required expropriation, the District Commission may proceed to such expropriation for and on behalf of the Local Commission and all payments, costs and expenses in connection with, and incidental to, such expropriation shall be paid by, and be recoverable from, the Local Commission as though the expropriation had been carried out by the Local Commission.

PROCEDURE ON EXPROPRIATION

26.—(1) At any time after the date at which an outline of detailed scheme has come into force, the Local Commission may proceed to the expropriation of all or any of the lands and buildings situated within the area to which the scheme applies, the expropriation of which is, in the opinion of the District Commission, necessary for any of the public purposes specified in paragraph (b) of subsection (2) of section 12.

(2) Subject to the provisions of this Part, the expropriation shall be carried out in accordance with the Land (Acquisition for Public Purposes) Ordinance, 1943, or any Ordinance amending that

† This part closely follows procedure with the Land (Acquisition for Public Purposes) Ordinance.

Ordinance, or substituted therefor, as though the High Commissioner had authorised the Local Commission to exercise all the powers and perform all the obligations conferred or imposed on the High Commissioner under the provisions of that Ordinance for the purpose of, or in connection with, the acquisition of the land or buildings to be expropriated.

EXCHANGE OF LAND

*27.—(1) It shall in all cases be competent for the Local Commission, instead of paying to any owner of land expropriated as hereinbefore set forth the pecuniary value of the said land, to agree with the said owner in either full or partial satisfaction of all claims arising from such expropriation for the transference to him of other land, whether or not within the area of the scheme and, in the case of the expropriation of the land of a number of adjoining owners, it shall be equally competent for the Local Commission, instead of paying such pecuniary value, to agree with the said owners for the transference to them or to any of them, either jointly or severally, of other land, whether or not within the area of the scheme, and, on such agreement, to redistribute among the said owners or any of them any land, whether or not within the area of the scheme, which it is not required to expropriate for the purposes of the scheme.

(2) Any agreement made by the Local Commission in respect of any of the matters specified in subsection (1) shall, in all cases, be subject to the approval of the District Commission.

(3) In any case within this section where the owner refuses to agree to accept land so offered in exchange, it shall be competent for the Local Commission to refer to arbitration, as provided by this Ordinance, the question as to whether such owner ought or ought not to be compelled to accept the land which is so offered to be transferred in exchange for the land which it is desired to expropriate, instead of the pecuniary value thereof; and the arbitrator may order that the land so offered shall be transferred to such owner accordingly instead of the said pecuniary value, if the arbitrator is satisfied that the land so offered is of at least equal value with the land to be expropriated and fully equivalent to the said land in nature, quality, situation and convenience and that the refusal of the said owner to agree to accept such land is unreasonable and vexatious.

* This section has been found valuable by local authorities who possess land for exchange purposes.

† One of the most important planning sections of the Ordinance and one which is constantly used in most urban areas throughout the country.

EXPROPRIATION FOR ROADS, ETC.

†28.—(1) Notwithstanding anything contained in the Land (Acquisition for Public Purposes) Ordinance, 1943, or any other Ordinance, it shall be lawful for the Local Commission, after giving one month's notice in writing to the owner of any land which, in accordance with any authorised scheme, is required for any of the purposes specified in subsection (2) of section 20 of the Land (Acquisition for Public Purposes) Ordinance, 1943, that is to say:—

- (a) the widening of any existing road, or part of a road;
- (b) the enlarging of any playground or recreation ground;
- (c) the construction of any new road, or part of a road;
- (d) the construction of any playground or recreation ground,

to enter into immediate possession of such part of such land as may be acquired, in accordance with the provisions of the said section 20, without payment of compensation.

(2) Any notice under subsection (1) may be given in such manner as the Local Commission may deem fit, including publication in any newspaper circulating in the district where the land is situated, and every person to whom such notice applies shall be deemed to have received it on the date of its being so given, or, in the case of publication in any newspaper as aforesaid, on the date of such publication.

POSTPONEMENT OF COMPLETION OF EXPROPRIATION

29. In any case in which the District Commission so directs, the expropriation shall not be completed by payment of the value until the occupation of the property is necessary for the carrying out of the scheme:

Provided that the period of the postponement of such completion shall in no case exceed two years. In any case in which payment is so postponed:—

- (a) The possession and enjoyment of the property shall remain with the person who would have been entitled thereto if the expropriation had not taken place, and such person or his representative shall be entitled, on receiving payment, to be paid in addition to the value as determined

By locating the proposed playgrounds on the boundaries of adjoining plots, it is often possible to obtain children's recreation grounds and small public gardens without the local authority incurring any expenditure other than in the layout and planting of such areas.

by the expropriation proceedings, a sum equal to interest on the value so determined at a rate to be agreed upon between the Local Commission and such person having regard to the use to which the property may have in the meantime been put, or, failing agreement, to be referred to arbitration in accordance with the provisions of this Ordinance :

Provided that such rate shall in no case exceed the legal rate of interest for the time being in force during the period for which such interest was payable.

- (b) A note of deferred transfer shall be made at the Land Registry and at the instance of the District Commission in respect of the land of which the expropriation is deferred.
- (c) The Local Commission shall pay the value and complete the expropriation proceedings upon being required so to do by the District Commission and after giving six months' notice to the owner of the property expropriated.
- (d) The payment of the price and interest to the person to whom the value was awarded in the expropriation proceedings or to his representative shall discharge the Local Commission from all liability therefor, except so far as the right to receive the whole or any part of the payment has been assigned by such person in writing and written notice thereof has been lodged at the office of the Local Commission.
- (e) No act done or suffered by the owners or other persons entitled to payment for expropriation subsequently to the date at which the price has been fixed shall prejudice the Local Commission or increase the amount to be paid for expropriation.

UTILIZATION OF EXPROPRIATED PROPERTY

30.—(1) Property which has been expropriated under the provisions of this Ordinance shall be dealt with in accordance with the scheme :

Provided that dwelling houses which are expropriated for the purpose of demolition under the scheme shall not be evacuated until suitable accommodation for all residents therein is available to the satisfaction of the District Commissioner.

(2) Notwithstanding anything contained in subsection (1), any property which has been ex-

propriated under the provisions of this Ordinance may, with the approval of the District Commission, be resold or let for any purpose, or used by the Local Commission for such public purposes as it may deem fit.

PART VII. COST OF SCHEME

COST OF SCHEME

31.—(1) The cost of a scheme shall include :—

- (a) all sums payable by the Local Commission under the provisions of this Ordinance ;
- (b) all sums spent or estimated to be spent by the Local Commission in the making and execution of the scheme ;
- (c) all legal and technical expenses of the Local Commission incurred in the making and in the execution of the scheme.

(2) Where any land has been reclaimed by the Government or by a municipal corporation or local council or by any other public body and such reclamation has been completed within a period of one year prior to the date on which a scheme is put into force under the provisions of this Ordinance, such reclaimed land may, with the approval of the High Commissioner, be included in such scheme and the cost of the reclamation thereof, or such part of such cost as the High Commissioner may direct, shall form part of the cost of the scheme.

PART VIII. PLANNING RATES

IMPOSITION OF PLANNING RATES*

32.—(1) At any time after the declaration of a planning area, the Local Commission may, with the written consent of the District Commission, and, if so required by the District Commission, shall, impose within the planning area, or any part thereof, a general or particular planning rate, or both.

(2) A general planning rate may be imposed to meet the expenses incurred, or to be incurred, by the Local Commission in preparing and executing all schemes in the area within which it is imposed, and in administering and giving effect to the provisions of this Ordinance within such area, and any other expenses incurred, or to be incurred, by the Local Commission in connection therewith, and

expenses incurred, or to be incurred, by the Local Commission in connection therewith and will be levied upon all owners of land in that area.

A particular planning rate may be imposed to meet the expenses incurred, or to be incurred, by the Local Commission under or in connection with any scheme on any of the works or matters specified in section 32 (3), and such rate will be levied upon all owners of property affected thereby.

* It has been found in practice almost impossible to assess and collect Betterment Tax and, therefore, it has been decided to empower Local Commissions with the consent of the District Commission to raise money to pay for planning by means of the imposition of a general or particular planning rate, or both.

A general planning rate may be imposed to meet the expenses incurred, or to be incurred, by the Local Commission in preparing and executing all schemes in the area within which it is imposed, and any other

shall be levied upon all owners of land in that area.

(3) A particular planning rate may be imposed to meet the expenses incurred, or to be incurred, by the Local Commission under, or in connection with, any scheme on any of the following works or matters and shall be levied upon all owners of land affected thereby :—

- (a) the construction or improvement of roads, including footpaths, road widenings, tree planting, road-side benches and other items of town furnishing ;
- (b) the acquisition of land, property or rights ;
- (c) the lay-out and construction of public recreation grounds and children's playgrounds ;
- (d) the lay-out, construction and planting of public gardens, squares and boulevards ;
- (e) measures for the prevention of soil erosion in the immediate vicinity of built up areas ;
- (f) the reservation of areas as nature reserves, and their planting, protection and maintenance ;
- (g) the clearance, rebuilding and replanning of reconstructed areas ;
- (h) the demolition, removal or replacement, of any building or structure, including fences, sewers, water pipes, and railway sidings, and electric and telephone lines ;
- (i) any other matter for which provision may be made in a scheme under section 10 or 12, or which, in the opinion of the District Commission, will improve the general amenities, health and living conditions of the locality.

(4) The Local Commission shall, subject to the approval of the District Commission :—

- (a) prescribe the amount of any planning rate imposed under this section ;
- (b) prescribe the manner in which such rate is to be payable by owners ;
- (c) assess the amount of rate to be paid by each owner ;
- (d) in the case of a particular planning rate, decide what property is or will be affected by the work or other matter in respect of which the rate has been imposed, so as to render the owners thereof liable under subsection (3) to pay the rate.

In approving any decision of the Local Commission under this subsection, the District Commission may approve it subject to modification, and in particular (but without prejudice to such general power of modification) may decrease or increase the amount of any planning rate prescribed by the Local Commission. The Local Commission in assessing under this subsection the amount of rate

to be paid by any owner, and the District Commission in approving such assessment, may take into consideration the area of the plot of such owner, the extent of frontage of his plot, and any other factor which in their opinion is relevant.

(5) Where a particular planning rate has been imposed in respect of a proposed scheme under subsection (3) and it is intended to levy the rate before the expenses of the scheme have been incurred, the following procedure shall be observed :

- (a) the Local Commission shall submit for the approval of the District Commission a schedule setting out the names of owners of property affected by the scheme and making a provisional assessment of the amount of rate to be paid by each owner.
- (b) subject to the approval by the District Commission of such scheme and schedule, the Local Commission shall publish a notice in the *Gazette* and in one or more newspapers circulating in the area, and shall cause a copy thereof to be posted in the offices of the Local Commission. The notice shall state the intention of the Local Commission to carry out the scheme and that a copy of the scheme and of the schedule is available for inspection at the offices of the Local Commission between specified office hours.
- (c) any owner of property affected by the scheme may, within one month of the publication in the *Gazette* of the notice under paragraph (b) hereof, lodge at the office of the Local Commission objection to the schedule on the ground that his name or that of any other person has been wrongly included in, or excluded from, it, but on no other grounds.
- (d) the Local Commission shall forward all objections lodged under paragraph (c) hereof, together with a report thereon to the District Commission, whose decision thereon shall be final. Such decision shall be notified by the Local Commission to the person by whom the objection was made.

(6) On the completion of the work or other matter under a scheme in respect of which a particular planning rate has been imposed, the Local Commission shall prepare a statement of the exact cost thereof, and shall prepare a schedule setting out the names of owners of property affected by the scheme and making an assessment (or, where a provisional assessment has been made under subsection (5), a final assessment) of the amount to be paid by each owner. The provisions of paragraphs (a), (b), (c)

PART IX: COMPENSATION

and (d) of subsection (3) relating to the schedule making the provisional assessment shall apply in like manner to the schedule making the assessment or final assessment under this subsection. Where a rate has been levied on a provisional assessment under subsection (5), the Local Commission shall thereupon make any necessary readjustment between the provisional and the final assessment, and where the final assessment is less than the provisional assessment, shall return the difference to the owners who have paid the rate. Similarly, where the final assessment is more than the provisional assessment, the Local Commission shall collect the difference from such owners in the manner prescribed in section 33.

(7) In this section the expression "owner" means the person who is in receipt of the rents or profits of any premises in respect of which the word is used, whether on his own account or as agent, trustee or guardian for any other person, or who would so receive the same if the premises were leased, whether or not he is in possession or is the reputed or registered owner, and includes any co-owner and the mutawalli of any waqf.

COLLECTION AND RECOVERY OF PLANNING RATES

33.—(1) The Local Commission, or a person duly authorised by them, shall serve a notice on every owner upon whom a general or particular planning rate is being levied, informing him of the approval of the rate by the District Commission, or of its provisional or final assessment, as the case may be, and shall by such notice require him to pay such rate to the Local Commission within thirty days of the service of the notice. The owner shall pay such rate accordingly, and the Local Commission shall collect it by demand note within thirty days of the service of the notice.

(2) The planning rate shall be paid either in a lump sum or in annual or other periodical instalments, as may be decided by the Local Commission with the approval of the District Commission.

(3) If payment of a planning rate is not made to the Local Commission within the time prescribed in the notice under subsection (1) then :—

(a) if the Local Commission is a municipal council or the Council of a local council, it may proceed to recover the rate in the same manner as it may recover municipal or local council rates under the Municipal Corporations Ordinance, 1934, or the Local Councils Ordinance, 1941, as the case may be, and the provisions of those Ordin-

ances relating to the recovery of rates shall apply to the recovery of such planning rate accordingly ;

(b) if the Local Commission is not a municipal council or the Council of a local council, it may recover the rate in the same manner as a civil debt, or in such other manner as the High Commissioner may by order direct.

(4) No transaction in respect of any immovable property shall be entered in any Government register unless and until it has been ascertained that all planning rates due in respect of such property have been paid.

(5) Nothing in section 35 shall apply to any failure to pay any planning rate.

(6) No building permit shall be issued in respect of any land unless and until all planning rates due in respect thereof have been paid or agreement in respect of payment of such rates has been reached between the owner of such land and the Local Commission.

PART IX. COMPENSATION

COMPENSATION FOR INJURY CAUSED BY SCHEME

*34.—(1) Any person who, at the date of the coming into force of a scheme, is the owner of property injuriously affected by such scheme, otherwise than by the expropriation thereof, may, within six months from the date at which the scheme comes into force, by notice in writing served at the office of the Local Commission, claim compensation in respect of such injury subject to the following provisions :—

(a) in all cases where a claim for compensation is made under this section, the Local Commission shall forward a notice of claim to the District Commission together with a report thereon and an estimate of the sum, if any, to be paid as compensation for the injury.

(b) if, after offer by the Local Commission, with the approval of the District Commission, of a sum to be paid by way of compensation, no agreement can be reached, the amount of compensation shall be referred to arbitration in accordance with the provisions of this Ordinance :

Provided that, if the High Commissioner certifies that such provision is reasonable, property shall not be deemed to be injuriously affected as a consequence of the scheme on account of any provision inserted therein which :—

* A few claims have been made under this section, but none admitted by any Commission as causing injury.

- (a) prescribes the space about buildings ; or
- (b) limits the number of buildings ; or
- (c) regulates, or empowers the Local Commission or any other person to regulate, the size, height, design or external appearance of buildings ; or
- (d) prohibits or restricts building operations pending the preparation and approval of an outline scheme ; or
- (e) prohibits or restricts building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon would be likely to involve danger or injury to health or risk to life or danger from flooding or erosion, or excessive expenditure of public money in the provision of roads, sewers, water supply or other public services ; or
- (f) prohibits (otherwise than by way of prohibition of building operations) the use of land for a purpose likely to involve danger or injury to health or risk to life, or serious detriment to the neighbourhood, or restricts (otherwise than by way of restriction of building operations) the use of land so far as may be necessary for preventing such danger, injury, risk or detriment ; or
- (g) restricts the manner in which buildings may be used ; or
- (h) fixes in relation to any road or proposed road a line beyond which no building abutting on that road or proposed road may project ; or
- (i) in the case of erection of any building intended to be used for purposes of business or industry, requires the provision of accommodation for loading, unloading or fuelling vehicles with a view to preventing obstruction of traffic on any highway.
- (j) zones any land for agricultural purposes or as nature reserves ; or
- (k) prohibits or restricts building operations permanently on the ground that, by reason of the situation or nature of the land, the erection of buildings thereon is likely to prejudice the preservation of objects of archaeological interest or beauty.

The decision of the High Commissioner as to whether any provision of a scheme falls within any of the paragraphs of this proviso and as to whether such provision is reasonable shall be final.

(2) No compensation shall be due under this section in respect of any building erected, road laid out or other thing done upon land comprised

in any scheme after the date of the publication in the *Gazette* of the notice under section 14 stating that a copy of the scheme has been deposited at the office of the Local Commission.

PART X. OFFENCES AND PENALTIES

OFFENCES AND PENALTIES

35.—(1) Any person who, within any planning area :—

- (a) carries out any work or non-conforming use for which a permit is required under this Ordinance, or under any by-law, rule or authorised scheme made, or deemed to have been made, under the provisions of this Ordinance, without having obtained such permit, or not in conformity with such permit ; or
- (b) carries out any such work or non-conforming use otherwise than in accordance with any by-law, rule or authorised scheme made, or deemed to have been made, under the provisions of this Ordinance ; or
- (c) fails to comply with the provisions of any by-law, rule, authorised scheme, or order made, or deemed to have been made, under the provisions of this Ordinance, or made under the provisions of any other Ordinance as to the demolition of any dangerous structure ; or
- (d) fails to comply with any condition attached to a permit issued under this Ordinance, or under any by-law, rule or authorised scheme made, or deemed to have been made, under the provisions of this Ordinance,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty pounds or imprisonment for a term not exceeding three months for any one offence, and, in the case of a continuing offence, an additional fine not exceeding five pounds for every day during which the offence is continued after written notice from the Local Commission of such offence or after conviction, and the Court before which any such person is convicted may :—

- (i) order that any building or structure in respect of which the offence was committed shall be pulled down or removed by such person or, upon the application of the Local Commission or of the Attorney General or his representative, by the Local Commission, and, in the case of the Local Commission being directed to carry out the order, the Local Commission may themselves or by their representative freely enter upon the premises in respect of which the order was made, for

that purpose, and the cost of carrying out the order shall in such case be payable to the Local Commission by the person convicted under the provisions of this subsection and shall be recoverable as a civil debt; or

- (ii) make such other order (including any closing order) against such person as to the road or building or structure or the construction or alteration thereof or otherwise as to the Court seems just :

Provided that where the construction of any building or structure has been commenced without a permit or any building or structure is being constructed otherwise than in conformity with a permit, and at the date of commencement of any proceedings under this section such building or structure has not been completed, or such building or structure was completed within a period of six months prior to the date of the commencement of proceedings under this section, the Court shall, unless the defendant shall show good cause to the contrary, order the building or structure to be pulled down and removed or make such other order as aforesaid. For the purpose of this proviso, a building or structure shall be deemed to be completed when a certificate of occupancy or of completion in respect thereof has been obtained from the Local Commission.

The Court may specify the time within which any order made hereunder shall be carried out.

For the purposes of this subsection, the person carrying out any work or use means the person who holds or ought to be holding a building or other permit under this Ordinance in respect of such work or use, and includes also the registered or reputed owner of the land or building, or, in the case of co-owners, any one of such co-owners, the architect, builder and general contractor, and all persons and their agents actually carrying out or originally responsible for the carrying out of the building or work or use for which a permit was issued or required, but not any workman in the employ of such person or persons, and where after a written request by the Local Commission or by the Attorney General or his representative the present owner or occupier of such land or building fails to furnish the Local Commission with the name and address of the person carrying out the work or use, it includes such present owner or occupier.

- (2) Any person who fails or neglects to comply with any order of the Court made under subsection (1) within the time specified in the order, or, if no time is specified, within a reasonable time,

and any person who fails or neglects to comply forthwith with any direction of the Court given under paragraph (b) of this subsection with regard to the carrying out of any such order, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months, or to both such penalties, and to an additional fine not exceeding five pounds for every day during which such failure or neglect is continued after the expiry of such specified or reasonable time or, in the case of a person who has failed or neglected to comply with a direction of the Court under paragraph (b) of this subsection, after the giving of such direction, and the Court, upon such conviction, shall :—

- (a) upon application by the Local Commission or by the Attorney General or his representative, direct that such order shall be carried out by the Local Commission, or
- (b) in the absence of any such application, direct that such order shall be carried out forthwith by the person so convicted,

and such order shall thereupon be carried out in accordance with the direction of the Court, and, in the case of the Local Commission being directed to carry out the order, the Local Commission may themselves, or by their representative, freely enter upon the premises in respect of which the order was made, for that purpose, and the cost of carrying out the order shall in such case be payable to the Local Commission by the person convicted under the provisions of this subsection, and shall be recoverable as a civil debt.

- (3) Any person who gives to a Local Commission or District Commission, or to a municipal or local council, or to any official thereof, false or misleading information for the purpose of obtaining the approval of any scheme or part thereof, or of obtaining any permit, or for any similar purpose, shall be guilty of an offence and shall be liable on conviction to imprisonment not exceeding six months or to a fine not exceeding one hundred pounds, or to both such penalties, and any such approval or permit obtained by means of such false or misleading information shall, upon the conviction of such person as aforesaid, be deemed to be void and of no effect, and the scheme or part thereof, for which such approval was obtained or the work or use for which the permit was obtained, shall be deemed to have been carried out without such approval or permit, as the case may be.

- (4) Notwithstanding anything contained in the

Magistrates' Courts Jurisdiction Ordinance, 1939, or the Municipal Courts Ordinance, Magistrates' Courts and Municipal Courts shall respectively exercise jurisdiction in cases under this Ordinance, and such Courts shall have all the powers set out in this section, save in the case of an appeal as provided for in subsection (8):

Provided that such Courts shall not inflict any fine exceeding the amount which such Courts are respectively authorised to inflict under the Magistrates' Courts Jurisdiction Ordinance, 1939, or the Municipal Courts Ordinance or under any Ordinance substituted for or amending either of those Ordinances.

(5) If the Court before which any person is brought under the provisions of this Ordinance finds such person guilty, the Court shall, in addition to imposing any penalty and to ordering such person to pay the costs of the proceedings, order such person to pay double the amount of any fees or dues connected with the charge which such person ought to have paid and which he failed or refused or neglected to pay, or, if the work or use in respect of which the charge was brought was work or use for which a permit should have been obtained by him, double the amount of any fees or dues which would have been payable by him if such permit had been granted.

All such fees and dues ordered by the Court to be paid shall be recoverable in the same way as fines and penalties are recovered under any law in force for the time being for the recovery of fines and penalties.

(6) All fines, fees, dues and penalties recovered under this section or under section 36 upon the order or judgment of a District Court or Magistrate's Court or Municipal Court in respect of offences committed within a planning area shall be paid into a separate town planning account of the Local Commission. Where the Local Commission is a municipal council such fines, fees, dues and penalties shall be paid into the municipal fund, where the Local Commission is the Council of a local council they shall be paid into the local council fund, and where the Local Commission is neither a municipal council nor the Council of a local council, they shall be paid into the general revenue of Palestine.

(7) Notwithstanding anything contained in this or any other Ordinance or law, where an offence has been committed under this section in respect of any building or structure upon a conviction for which the Court has power to order that the build-

ing or structure shall be pulled down or removed or otherwise dealt with, and the Court is satisfied that the offender cannot be located, or that it is impossible or impracticable to serve him with a summons requiring him to pull down, or remove, or otherwise deal with, the building or structure, or that the offender has divested himself of the ownership of the building or structure since the commission of the offence, or that it cannot be proved who was the offender, then the Court may forthwith and without serving a summons upon any person order that the building or structure be pulled down or removed or otherwise dealt with, or make such other order as to the Court seems just, and, upon application by the Local Commission or by the Attorney General or his representative, such order may thereupon be carried out by the Local Commission, who, in the case of a demolition, may recover the costs and incidental expenses of carrying out the order by sale of the materials of the building or structure pulled down, removed, or otherwise dealt with.

(8) Any party to the proceedings or the owner of any property to which they relate, if aggrieved by any order under this section of a Magistrate's Court or Municipal Court or (if the case was remitted under section 6 of the Magistrates' Courts Jurisdiction Ordinance, 1939), of a District Court, or by any refusal or failure to make such order, may appeal against such order, or against such refusal or failure, as the case may be, to the District Court, or, where the District Court made, or refused, or failed, to make the order, to the Supreme Court, who may allow or reject the appeal or may return the case to the Court from which the appeal was made, or may make any order which such Court could have made under the provisions of this section. For the purposes of this section, the District Court or Supreme Court shall be constituted as for the hearing of criminal appeals, and the period for lodging the appeal shall be as laid down in the case of criminal appeals.

POWER OF COURT TO MAKE INTERIM ORDER

36.—(1) Where any work or use for which a permit is required under this Ordinance is being carried out or continued without such permit having been obtained, or otherwise than in accordance with the relevant scheme or with any relevant by-laws or rules, and proceedings have been instituted under section 35, application may be made to the Court for an order directing the person against whom such

PART XI: MISCELLANEOUS

proceedings have been instituted to cease carrying out or continuing such work or non-conforming use, and the Court, if satisfied that the work or non-conforming use is being, or has been, so carried out or continued, shall make such an order accordingly. Such order shall remain in force until the hearing of the proceedings or until varied or revoked by the Court.

(2) Where any work for which a permit is required under this Ordinance is being carried out without such permit having been obtained, or otherwise than in accordance with such permit, or otherwise than in accordance with the relevant scheme or with any relevant by-laws or rules, and no proceedings have been instituted under section 35, application may be made to the Court forthwith for an order directing that, pending the institution of such proceedings, such work shall cease, and the Court, if satisfied that the work is being or has been so carried out, shall make such an order accordingly. Such order shall be posted on, or in the immediate vicinity of, the building or structure or operations to which it relates, and any person failing to comply therewith shall be guilty of an offence as provided in subsection (3). The order shall remain in force until varied or revoked by the Court, or by the District Court as hereinafter provided. Any person aggrieved by such order may appeal to the District Court and the provisions of subsection (8) of section 35 shall apply to the hearing of such appeal, but the operation of the order shall not be stayed pending the decision of the District Court upon such appeal.

(3) Any person failing or neglecting to comply with any order made under the provisions of subsection (1) or (2), shall be guilty of an offence and may be arrested by any police officer without warrant, and shall be liable on conviction to a fine not exceeding ten pounds for every day during which such failure or neglect is continued after the making of such order.

PART XI. MISCELLANEOUS

ARBITRATION

37. Where under the provisions of this Ordinance any question, matter or dispute is referred to arbitration, such arbitration shall be held under the provisions of the Arbitration Ordinance, and that Ordinance shall apply thereto as though the parties had entered into a submission to submit the question, matter or dispute to the arbitration of a single arbitrator.

POWER TO ENTER LAND AND BUILDINGS TO SURVEY, ETC.

38. Any person authorised by a District Commission or by a Local Commission may after giving such notice as may be prescribed in rules made by the District Commission, enter upon any land or buildings and survey or inspect the same and do all other acts necessary for securing the observance of by-laws or rules made under the provisions of this Ordinance and compliance with the terms of permits granted within a planning area and for the purpose of the preparation, making or execution of any scheme.

Provided that no entry shall be made into any dwelling house in actual occupation without the consent of the occupier unless twenty-four hours previous notice in writing shall have been given where possible, to such occupier, specifying as near as may be the hour of such intended entry.

APPEARANCE IN LEGAL PROCEEDINGS, ETC.

39.—(1) A Local Commission, being a Municipal Council, may institute proceedings in or appear before any Court in accordance with the provisions of section 131 of the Municipal Corporations Ordinance, 1934, and the provisions of that section as to the service of any summons, order or instrument shall apply to the service of any summons, order or instrument upon such Local Commission.

(2) Notwithstanding anything contained in any Ordinance or law, any Local Commission, not being a Municipal Council, may institute proceedings in, and appear before, any Court, or may appear in any legal proceedings, by any official authorised generally or in respect of any special case or proceedings or by any other duly authorised person, by resolution of such Local Commission, and service of any summons or order or other instrument upon such official shall be deemed effectual service on the Local Commission.

RULES

40. The District Commission may, with the approval of the High Commissioner, make, for all or any planning areas within the district, rules for the purpose of carrying into effect the provisions of this Ordinance, and, in particular, but without prejudice to the generality of the foregoing power, may make rules in respect of all or any of the following matters:—

- (a) applications for, and the grant, renewal or revocation of, permits;
- (b) the attachment of special conditions to any permit, including the forfeiture of deposits;

- (c) the work or the use of buildings or land for which permits are required, and the deposit of plans, sections and drawings of, and statical calculations for, the intended work ;
- (d) the construction, use, demolition and removal of temporary buildings ;
- (e) the width, alignment, design and construction of roads ;
- (f) the materials for, and manner of construction, repair, or alteration of, or the external appearance, stability, resistance to fire, ventilation, drainage, sanitation, and water supply of, buildings ;
- (g) the safety of occupiers, or users of, and all persons resorting to, buildings ;
- (h) demolition of buildings erected in contravention of the provisions of this Ordinance or of any by-laws, rules, authorised scheme or permit made or granted, or deemed to have been made, or granted, under this Ordinance, and the demolition of dangerous structures ;
- (i) public assembly buildings ;
- (j) the provision of parking spaces in the vicinity of buildings and access to, and egress from, such parking spaces ;
- (k) the safety of the public and workmen engaged on road or building works ;
- (l) dumping on, and removal of materials and debris from, roads and land ;
- (m) the time, manner and nature of occupation and use of buildings ;
- (n) fees for, and deposits to be made in connection with, any application or permit ;
- (o) preparation and enforcement of any scheme and any matters incidental thereto ;
- (p) the forms and contents of notices of objection to any scheme ;
- (q) forms to be used and procedure to be followed in cases of claims for injury to property affected by any scheme ;
- (r) any matters necessary to ensure that no work or non-conforming use for which a permit is required is carried out without a permit or otherwise than in accordance with any permit issued in respect thereof ;
- (s) the testing of materials used, or to be used, in any building ;
- (t) the regulation of the mutual rights and obligations of the adjoining owners, lessees or occupiers of properties situated within any planning area in respect of the making, repairing, maintaining or cleaning of all party walls, external walls and the foundations of such walls, and the manner of determination of disputes and differences concerning such rights and obligations ;
- (u) any matters necessary for the adjustment of boundaries or combination of plots for the purpose of making such plots suitable for buildings or alignment of roads ;
- (v) the determination of the amount of compensation, if any, to be paid to the owner of a plot in an area which has been replanned by a Local Commission in exercise of the powers vested in them by paragraph (k) of section 12 (2) by reason of the allocation to such owner of a plot other than the original plot of such owner, and the person or persons by whom such compensation, or any part thereof, shall be paid to such owner ;
- (w) the mode of service of notices under the provisions of this Ordinance ;
- (x) the demolition and removal of derelict and unsightly buildings ;
- (y) any matters necessary for, or incidental to, securing the observance of the rules made under the provisions of this Ordinance, including the cost of any work required or permitted to be done thereunder :

Provided that, until varied or revoked by any such rules, the rules contained in the First Schedule shall be in force.

VALIDATION

42.—(1) All by-laws and rules made under section 7 of the Town Planning Ordinance or under section 4 or 5 of the Town Planning Ordinance, 1936, and all schemes made under the Town Planning Ordinance, or the Town Planning Ordinance, 1936, in force at the commencement of this Ordinance shall be deemed to have been validly made if they would have been validly made had this Ordinance been in force at the time when they were made.

(2) (a) Where, before the commencement of this Ordinance, a notice of deposit of a scheme was published in the *Gazette* under any Ordinance repealed by this Ordinance, any objection to such scheme which was lodged before the commencement of this Ordinance, or is lodged after the commencement of this Ordinance, before the expiration of the period for lodging objections to such scheme stated in such notice, shall be deemed to have been, or to be, lodged in time, notwithstanding that no rules were made under such Ordinance prescribing the period within

PART XI: MISCELLANEOUS

which objections to such scheme had to be lodged.

- (b) Where, before the commencement of this Ordinance, a notice of deposit of a scheme was published in the *Gazette* under any Ordinance repealed by this Ordinance, any objection to such scheme which was lodged before the commencement of this Ordinance, or is lodged after the commencement of this Ordinance, after the expiration of the period for lodging objections to such scheme stated in such notice, shall be deemed to have been, or to be, lodged out of time, notwithstanding that no rules were made under such Ordinance prescribing the period within which objections to such scheme had to be lodged.

REPEAL AND SAVING

43.—(1) The following Ordinances are hereby repealed :—

1. Town Planning Ordinance, 1936.
 2. Town Planning (Amendment) Ordinance, 1936.
 3. Town Planning (Amendment) Ordinance, 1938.
 4. Town Planning (Amendment) Ordinance, 1939.
 5. Town Planning (Amendment) Ordinance, 1941 :
- Provided that all schemes made and permits granted under any Ordinance hereby repealed, which are in force at the commencement of this Ordinance shall remain in full force and effect and the provisions of this Ordinance shall apply thereto as though they had respectively been made or granted under this Ordinance.

(2) The following by-laws are hereby revoked :—

1. Acre Building By-laws, 1937.
2. Acre (Building Permit Fees) By-laws, 1937.
3. Galilee Regional (Town Planning Permit Fees) By-laws, 1942.
4. Haifa (Building Permit Fees) By-laws, 1937.
5. Haifa (Building Permit Fees) By-laws, 1941.
6. Haifa (Parking Space for Public Entertainment Buildings) By-laws, 1939.
7. Haifa (Town Planning) By-laws, 1927.
8. Haifa (Town Planning) (Amendment) By-laws, 1930.
9. Haifa (Town Planning) (Amendment) By-laws, 1931.
10. Haifa (Town Planning) (Amendment) By-laws, 1936.
11. Haifa (Town Planning) (Amendment) By-laws (No. 2), 1936.
12. Haifa Regional (Town Planning Permit Fees) By-laws, 1942.
13. Jaffa (Town Planning) By-laws, 1929.

14. Jaffa (Town Planning) (Amendment) By-laws, 1931.
15. Jaffa (Town Planning) (Amendment) By-laws (No. 2), 1931.
16. Jaffa (Town Planning) (Amendment) By-laws, 1936.
17. Jerusalem Building By-laws, 1927.
18. Jerusalem Building (Amendment) By-laws, 1931.
19. Jerusalem Building (Amendment) By-laws (No. 2), 1931.
20. Jerusalem Building (Amendment) By-laws, 1935.
21. Jerusalem Building (Amendment) By-laws, 1937.
22. Jerusalem Building (Amendment) By-laws, 1938.
23. Jerusalem Building (Amendment) By-laws, 1939.
24. Jerusalem Building (Amendment) By-laws, 1940.
25. Jerusalem (Parking Space for Public Entertainment Buildings) By-laws, 1939.
26. Jerusalem Town Planning (Amendment) By-laws, 1936.
27. Lydda Regional (Town Planning Permits) By-laws, 1942.
28. Lydda Regional (Town Planning Permit Fees) By-laws, 1942.
29. Lydda Regional Area (Building Permit Fees) By-laws, 1939.
30. Lydda Regional Area (Amendment) Building Permit By-laws, 1941.
31. Nablus Town Planning By-laws, 1931.
32. Nazareth (Building Permit Fees) By-laws, 1938.
33. Samaria Regional (Building Permit Fees) By-laws, 1941.
34. Tiberias (Building Permit Fees) By-laws, 1938.
35. Tiberias (Building Permit Fees) (Amendment) By-laws, 1941.
36. Tiberias (Town Planning) By-laws, 1928.
37. Tiberias (Town Planning) (Amendment) By-laws, 1931.
38. Tiberias (Town Planning) (Amendment) By-laws (No. 2), 1931.
39. Tiberias (Town Planning) (Amendment) By-laws, 1935.
40. Tiberias (Town Planning) (Amendment) By-laws, 1936.
41. Town Planning Permits (Galilee District) (Amendment) By-laws, 1940.

42. Town Planning Permits (Galilee Regional) By-laws, 1942.
43. Town Planning Permits (Gaza District) By-laws, 1941.
44. Town Planning Permits (Haifa and Samaria District) By-laws, 1938.
45. Town Planning Permits (Haifa and Samaria District) (Amendment) By-laws, 1939.
46. Town Planning Permits (Haifa Regional) By-laws, 1942.
47. Town Planning Permits (Jerusalem District) By-laws, 1937.
48. Town Planning Permits (Jerusalem District) (Amendment) By-laws, 1939.
49. Town Planning Permits (Jerusalem District) (Amendment) By-laws, 1940.
50. Town Planning Permits (Jerusalem District) (Amendment) By-laws (No. 2), 1941.
51. Town Planning Permits Fees (Jerusalem District) By-laws, 1940.
52. Town Planning Permits Fees (Jerusalem District) (Amendment) By-laws, 1941.
53. Town Planning Permits Fees (Jerusalem District) (Amendment) By-laws, 1941.
54. Town Planning Permits (Lydda District) (Amendment) By-laws, 1941.
55. Town Planning Permits (Northern District) By-laws, 1937.
56. Town Planning Permits (Southern District) By-laws, 1937.

(3) The following rules are hereby revoked :—

1. Town Planning (Permits) Rules.
2. Town Planning Scheme Plans (Jerusalem District) Rules, 1940.
3. Town Planning Scheme (Plan) Rules.
4. Town Planning (Temporary Buildings) Rules.

TRANSITIONAL PROVISIONS

44.—(1) Where, before the commencement of this Ordinance, any scheme, or any modification of any scheme, has been prepared, or any suspension or annulment of any scheme has been resolved upon, but notice of the deposit of such scheme, modification, suspension or annulment has not been given, under the provisions of the Town Planning Ordinance, 1936, such scheme, modification, suspension, or annulment, shall be deposited, and notice of such deposit shall be given, under the provisions of this Ordinance as if it were a scheme or a modification of a scheme prepared, or a suspension or annulment of a scheme resolved upon, under this Ordinance, and thereafter such scheme, modification, suspension, or annulment, shall be deemed to be a scheme, or a modification of a scheme, prepared, or a suspension or annulment of a scheme resolved upon, under the provisions of this Ordinance, and the provisions of this Ordinance shall apply thereto accordingly.

(2) Where, before the commencement of this Ordinance, any scheme, or any modification of any scheme, or any resolution to suspend or annul any such scheme, has been deposited and notice of such deposit has been given, but such scheme, modification, suspension, or annulment, has not come into force, under the provisions of the Town Planning Ordinance, 1936, such provisions shall, notwithstanding their repeal, apply to such scheme, modification, suspension, or annulment, until such scheme, modification, suspension, or annulment, comes into force thereunder, and thereafter such a scheme, modification, suspension, or annulment, shall be deemed to be a scheme, or a modification, suspension or annulment of a scheme, which has come into force under this Ordinance, and the provisions of this Ordinance shall apply thereto accordingly.

MODEL BUILDING REGULATIONS

FIRST SCHEDULE (Section 41)

CITATION

1. *These Rules may be cited as the Town and Country Planning and Building Rules, 1947.

PART I. INTERPRETATION

DEFINITIONS

2. In these Rules, unless the context otherwise requires—

“approved” in relation to any material, means approved by the Engineer ;

“basement storey” means any storey of a building below the ground storey ;

“British Standard Specification” means the relevant British Standard Specification as published by the British Standards Institution ;

“Code of practice” means the code for the use of reinforced concrete and structural steel in buildings as prescribed from time to time by the Engineer ;

“domestic building” means a dwelling house and/or an office building or a shop or any other building not being an outbuilding, public building or industrial building ;

“drain” means any conduit used for the carriage of sewerage and sullage water from one building, or part of one building only ;

“Engineer” means the duly appointed Municipal Engineer or Local Council Engineer, as the case may be, or, if there is no such person, an officer of the Department of Town Planning appointed in writing by the Town Planning Adviser to exercise the powers and perform the duties of an Engineer under these Rules ;

“external wall” means an outer wall of a building, not being a party wall, and includes an outer wall immediately adjacent to and abutting on a wall of an adjoining building ;

“first storey” means that storey of a building which is next above the ground storey ;

“ground storey” means that storey of a building to which there is an entrance from the outside on or near the level of the adjoining ground or road and when there are two such storeys then the lower of the two ;

* These building regulations consolidate existing law on the subject and represent the work of a special committee set up by Government under the chairmanship of the Government Town Planner. They are

Provided that no storey of which the floor level is more than one metre and twenty centimetres below the level of the adjoining ground or road shall be deemed to be a ground storey ;

“Health Authority” means the Director of Medical Services or his duly authorised representative, and includes the Municipal or Local Council Sanitary Surveyor ;

“height” in relation to a building, means the vertical distance measured from the crown of the road or proposed road as determined by the engineer or where there is no such road then the natural level of the ground immediately in front of the centre of the face of the building to the level of the top of the external wall or, in the case of a pitch-roofed building to the level of the eaves or the base of the gable, whichever is the lower ;

“industrial building” means a building which is wholly or predominantly used as a warehouse, factory, laundry, brewery, distillery, iron foundry and all other buildings put, or to be put, to any use permitted in an industrial zone by an authorised scheme applicable thereto ;

“party wall” means—

(a) a wall forming part of a building and used, or constructed to be used, in any part of its height or length for the separation of adjoining buildings ; or

(b) a wall forming part of a building and standing, in any part of its length, to a greater extent than the projection of the footings on one side, on ground of different owners ;

“public building” means a building used or constructed or adapted to be used, either ordinarily or occasionally, as a church, chapel, mosque, synagogue or other place of public worship, or as a hospital, almshouse, college, school, theatre, cinema, public concert room, public ball-room, public lecture room, public exhibition room, public place of assembly or for any other public purpose ;

“sewer” means a sewer or drain of any description other than drain as hereinbefore defined.

also the result of numerous consultations with local authorities and contain recommendations made by the Society of Municipal Engineers, and other public bodies.

PART II. APPLICATION AND EXEMPTIONS

APPLICATION

3. Save where otherwise provided in any authorised scheme, these Rules shall apply in every planning area. Where there is a conflict or discrepancy between any of these rules and the provisions of a scheme in force, the District Commission shall decide which rule or provision shall apply in any particular case.

EXEMPTION OF GOVERNMENT

4.—(1) Subject to compliance with the road and building lines and the use of buildings prescribed in any relevant authorised scheme and to the provisions of the Ordinance prohibiting building on a private or public open space without the special consent of the District Commission, any building owned by the Government of Palestine or His Britannic Majesty's Government shall be exempt from the operation of these Rules.

(2) The Government of Palestine shall be exempt from any obligations in these Rules requiring the payment of fees or the obtaining of permits.

PERIOD OF EXEMPTION

5. Any building exempted from the operation of all or any of these Rules, or which may in any manner be privileged by special conditions granted by or attached to the building or any other permit issued in pursuance of these Rules by the District Commission, Local Commission, Health Authority or Engineer, shall be deemed to be so exempted or privileged only for so long as the building continues to be used for the purpose or retains the character by reason of which it was granted exemption or privilege.

PART III. ZONING, ETC.

PROVISIONS OF AUTHORISED SCHEME APPLICABLE

6. A building erected in an area to which authorised scheme applies shall conform in every respect with the requirements of such scheme.

HEIGHT OF BUILDINGS GENERALLY

7. Where the height of a building is not controlled by an authorised scheme, no part of such building shall exceed in height five-fourths of the horizontal distance measured between the face of the building and the building line on the opposite side of the road on which the building abuts, or, where no such road exists, then a height to be determined in each case by the District Commission.

HEIGHT OF BUILDINGS ON CORNER PLOTS

8. Notwithstanding anything contained in these Rules, the height of a building erected on a corner plot and abutting on more than one road, shall be regulated by the wider of such roads, and the height of the building on the narrower of such roads may, to a distance not exceeding 14 metres from the wider road, be equal to that on the wider road.

PROJECTIONS ABOVE PRESCRIBED HEIGHT

9. Notwithstanding anything contained in these Rules, towers, domes and other architectural features and adornments, may rise higher than the permitted height of the building in a commercial or industrial zone, subject in each case to the special approval of the Local Commission, who may attach to the approval such conditions as they think fit.

WIDTH OF COURTYARDS

10. Where a window (other than a window to a habitable room in a basement) opens into a courtyard enclosed on three or more sides, the width of the courtyard measured from the face of the window to the opposite wall shall be not less than half the height of the wall, measured from the sill of the window to the eaves or top of the parapet of the opposite wall :

Provided that the width of such courtyard shall be not less than four metres in residential zones and not less than three metres in other zones, and provided further that the superficial area of the courtyard shall be not less than ten square metres, if enclosed on three sides or sixteen square metres, if enclosed on all sides.

VENTILATION OF COURTYARDS

11. Where a courtyard of a building is wholly or in part open at the top and is enclosed on every side and the depth of the courtyard (measured from the eaves or top of the parapet of the surrounding walls down to the floor level of the ground storey of the building) exceeds its length or breadth, adequate provision to the satisfaction of the Engineer shall be made for the ventilation of the courtyard by passages or other means of communication between the courtyard and the outer air.

REAR HEIGHT OF BUILDINGS

12.—(1) The height of a building, other than a public building or an industrial building, in relation to the open space in the rear thereof, shall not be of a greater height above the mean level of the ground abutting on the rear of the building than

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twice the distance measured from such building to the rear boundary of the plot on which the building is erected.

(2) The height of a public building or of an industrial building, in relation to the open space in the rear thereof, shall not be of a greater height above the mean level of the ground abutting on the rear of the building than three times the distance measured from such building to the rear boundary of the plot on which the building is erected.

(3) In cases of doubt, the Local Commission shall determine which elevation or part of any building is, or shall be deemed to be, "the rear" for the purposes of this Rule.

(4) A building erected on a corner site and having frontages on to two roads or on to one road and a public open space of not less than twelve metres in width may, in any special case, be exempted by the District Commission from the provisions of this Rule, either unconditionally or upon such conditions as the District Commission may prescribe.

HEIGHT OF FACTORY CHIMNEYS AND SILOS

13. Factory chimneys, silos and other similar structures may be erected in excess of the maximum permissible height in the zone in which such structures are permitted, subject to the special approval of the Local Commission, and if such building is to be erected in the neighbourhood of any place which is being, or may be, lawfully used as an aerodrome, such approval shall only be given after consultation with the Director of Civil Aviation.

BUILDING PLOTS TO FRONT ROAD

14. A building shall not be erected on a plot unless the plot abuts for at least three metres of its frontage on a road or is connected to the road by a passage or way of not less than three metres in width.

CORNERS AT ROAD JUNCTIONS

15. In the case of a building situated at a junction of roads which contain an angle of less than 135° , the Local Commission may require, in addition to conformity with the road or building lines as prescribed in any authorised scheme applicable, that the building be set back in such a manner as to permit the construction of a sidewalk of such a width as the Local Commission may prescribe and with a minimum outer radius of four metres.

FLOOR AREA

16.—(1) No storey of a building shall have a floor

area exceeding the maximum permissible area of the plot on which building is permitted in accordance with any authorised scheme applicable unless the approval of the District Commission has been obtained.

(2) Oriels, balconies, staircases and all other projections shall be deemed to be included within the floor area of the storey of which such projections form part.

PART IV. SIZE, HEIGHT, VENTILATION, ETC., OF ROOMS

DEFINITION OF HABITABLE ROOM

17. For purposes of these Rules, "habitable room" means a room constructed or adapted to be inhabited or in which some person passes the night or which is used as a living room, and includes a room with respect to which there is a reasonable presumption that some person passes or may pass the night therein or that it is used or may be used as a living room. In cases of doubt, the Local Commission shall determine whether or not a room is a "habitable room" for the purposes of these Rules.

HEIGHT OF ROOMS

18.—(1) Every habitable room, except a room built wholly or partly within a roof, shall be not less than three metres in height measured from the floor to the lowest part of the ceiling.

(2) Every habitable room built wholly or partly within a roof shall be not less than three metres in height for at least one half of the area of the room and for the remainder shall be not less than two metres and fifty centimetres in height.

(3) The height of a room with a vaulted or domed ceiling shall in each individual case be approved or determined by the Local Commission after taking into consideration the factors of sufficiency of light, air, ventilation and architectural design.

HABITABLE ROOMS IN A BASEMENT

19. Every habitable room in a basement shall have at least one and a half metres of its height above the level of the road, paving or ground immediately adjoining the room and shall have on the outer side of the room and immediately abutting the external wall thereof a paved and drained area extending to at least three metres in width measured at right angles from the face of the external wall, and the surface of such paved area shall be below the level of the floor of such room.

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FLOOR AREA OF HABITABLE ROOMS

20. Every habitable room shall have a floor area of not less than nine square metres.

FLOOR AREA OF KITCHEN

21. A room used as a kitchen shall have a floor area of not less than six square metres, except in special cases of flats where a smaller area may be permitted with the approval of the health authority.

WINDOW AREA OF HABITABLE ROOMS

22.—(1) Every habitable room shall have one or more windows opening directly into the external air and such window or windows shall have a total glass area (free from obstruction to the natural daylight) equal to at least one tenth part of the floor area of the room, and shall be so constructed that a portion equal to at least one twentieth part of such floor area can be made to open in a manner and to an extent to the satisfaction of the Engineer.

(2) The part or parts made to open shall extend to at least two metres above the floor of the room.

VENTILATION FLOOR

23. Every room in the lowest storey of a building having a wooden floor, other than a floor constructed of wood bedded directly on to concrete, shall have a sufficient space beneath the floor to permit of ventilating the space thereunder by means of air bricks or by such other method as is approved by the Engineer.

HEIGHT OF SHOPS

24.—(1) For the purposes of this Rule—

“entrance” means any external doorway or opening to a shop used, intended to be used or which may be used, by the public for ingress or egress;

“front” means any facade or external wall of a shop in which there is an entrance.

(2) The internal height of a shop shall be not less than three metres and fifty centimetres, and not more than five metres and fifty centimetres.

(3) The mean average level of the threshold at the entrance of a shop shall be not less than ten centimetres above the adjoining pavement.

(4) Where three or more shops immediately adjoining each other are so designed and constructed as to form a continuous facade or front which abuts on a pavement having a gradient thereagainst exceeding one in ten, and the requirements of this Rule as to minimum internal height of a shop prevent a satisfactory architectural design of the facade or front, the District Commission may consider such a case on its merits and may permit a lesser internal height in any one or more of the shops:

Provided that no such shop shall be less than 3.00 metres in height and the average internal height of the shops forming the facade or front shall be not less than four metres and twenty-five centimetres.

GALLERIES IN SHOPS AND WORKSHOPS

25.—(1) A gallery projecting over the floor of a shop may be permitted if—

- (a) it is constructed of fire-resisting materials;
- (b) it is sufficiently lighted and ventilated to the satisfaction of the engineer;
- (c) the floor area of the shop is not less than twenty-five square metres;
- (d) the total length of such gallery (or galleries) does not exceed one-half the total length of the walls enclosing the shop;
- (e) the total glass area of the windows lighting the shop is not less than one-eighth of the total combined floor area of the shop and the gallery and the distribution of the windows and the height between the floor and the top of the windows is to the satisfaction of the Engineer.

REGULATION WIDTH OF GALLERIES

(1) <i>Minimum floor area of shop</i>	(2) <i>Minimum height of shop</i>	(3) <i>Permissible floor area of gallery</i>	(4) <i>Minimum height between floor of shop and soffit of gallery</i>	(5) <i>Minimum height above floor of gallery</i>
25 m ²	5.00 m	1/4 floor area of shop	2.75 m	2.10 m
36 m ²	6.00 m	1/3 floor area of shop	3.00 m	2.75 m
50 m ²	6.50 m	1/2 floor area of shop	3.35 m	2.75 m

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(2) Where the height of the shop when measured between the floor and the ceiling is less than six metres and the floor area of the shop is less than thirty-six metres, the gallery shall not exceed one metre and twenty centimetres in width, that is to say, the gallery shall not project over the floor of the shop by more than one metre and twenty centimetres.

(3) Where the height of the shop when measured between the floor and the ceiling is not less than six metres and the floor area of the shop is not less than thirty-six square metres the gallery may exceed one metre in width but shall be subject to the regulations prescribed in the table (preceding page).

(4) A gallery shall not be constructed in a shop in a residential zone.

(5) For the purposes of this Rule, "shop" includes a workshop.

PART V. STAIRWAYS AND CORRIDORS

STAIRWAYS

26.—(1) A building having more than one storey shall be provided with one or more stairways and each such stairway shall be arranged in a continuous succession of flights connecting the several storeys with the ground storey and to an exit or passageway leading to the external air.

(2) Such stairway or stairways shall be so situated that no part of the floor of any storey is more than twenty-five metres distant from a stairway.

FIRE-RESISTING MATERIALS

27. In all buildings other than dwelling houses, stairs and stairways, the floors of all lobbies, landings, corridors and passageways leading to such stairs or stairways together with the structural supports thereof, shall be made of fire-resisting materials.

GENERAL REQUIREMENTS

28. In every building all stairways shall comply with the following requirements :—

- (a) *Balustrades and handrails.* Every flight, landing, corridor or passageway, where not enclosed or protected by a wall, shall be provided with handrails and balustrades of suitable size and height to the satisfaction of the Engineer.
- (b) *Minimum headroom.* The headroom above the tread of a stair or the floor of a landing, corridor

or passageway shall be not less than two metres and ten centimetres.

- (c) *Risers and treads.* The risers and treads of all stairs shall on each flight of stairs be of uniform width and height. The riser of a stair shall not exceed eighteen centimetres in height and the width of the corresponding tread shall be determined by the following formula, expressed in centimetres :—

$$2 \times (\text{height of riser}) + (\text{width of tread}) = 63 \text{ centimetres}$$

Provided that the Engineer may at his discretion approve slight variations therefrom in any special circumstances.

- (d) *Width of stairs.* Every flight of stairs and every landing shall be :—

- (i) in a domestic building, not less than one metre and ten centimetres wide ;
- (ii) in a public building, not less than one metre and thirty centimetres wide.

- (e) *Number of stairs.* A flight of stairs shall not contain less than three nor more than fifteen stairs.

- (f) *Supporting walls.* A wall enclosing a stairway and which also supports or assists in supporting the stairway shall be constructed in accordance with the provisions of Rule 66.

- (g) *Windows.* No window or part of a window shall be made or fixed to open inwards in such a manner as to project beyond the internal face of the wall on any stairway or lobby, landing, corridor or passageway which forms part of, or gives access to, such stairway, at a height less than two metres and twenty centimetres above the level of the tread of any stair of the floor of any such lobby, landing, corridor or passageway.

- (h) *Ventilation and lighting.* Every stairway shall be adequately ventilated and lighted to the satisfaction of the Engineer, by means of windows or skylights opening directly into the external air.

STAIRWAYS SERVING APARTMENTS

29. A building containing a number of apartments shall be so designed and constructed that not more than forty rooms have access to any one staircase and not more than ten rooms have access to any one landing of a staircase.

For the purposes of this Rule, the term "apartment" means any room or rooms designed, intended, used or likely to be used, as a self-contained flat, office or suite of rooms by one or more persons.

PART VI. PROJECTIONS

PROHIBITION

30. Save as provided in Rule 31, and in the provisions of any scheme no part of a building may project beyond the building line.

PERMITTED PROJECTIONS

31. Where no part of any projection beyond the building line is at a height above the adjoining footway less than three metres and fifty centimetres :—

- (a) cornices may project not more than seventy-five centimetres ;
- (b) window grilles may project not more than fifty centimetres ;
- (c) lamps, clocks and signs, inclusive of any framework or other construction to which or by means of which they are attached to the building, may project not more than seventy-five centimetres. The surface area of any one facet of such lamp, clock or sign, shall not exceed one square metre ;

SUNBLINDS

32.—(1) Sunblinds, including any support, frame, or other construction attached thereto and which forms part thereof, may project beyond the building line :

Provided that—

- (a) no part of a sunblind shall be at a height less than two metres and fifty centimetres above the level of the footway ; and
- (b) when opened to its fullest extent, a sunblind shall not project more than two metres beyond the building line and shall be not less than thirty centimetres from the carriageway.

(2) Every such sunblind shall be constructed to fold, roll or otherwise collapse against the wall of the building, so that when so collapsed no part thereof projects to a greater distance than fifteen centimetres beyond the building line.

SKY-SIGNS

33. Save with the special approval of the Local Commission, letters, models, signs or other advertising devices on a building shall not be erected in such a manner as to be visible against the sky when viewed from any point in the public way.

PROJECTING WINDOW AND DOORS

34.—(1) Any window or part of a window which, when opened outwards, projects over the public way shall be at a height not less than two metres

and fifty centimetres above the level of the public way measured to the lowest part of such window or part thereof.

(2) Every door or gate opening directly on to a road except in the case of public buildings, shall be constructed and fixed so as to open inwards, that is to say, away from the road.

(3) The Engineer may require the fixing of rails or grilles to any window which in his opinion is necessary for safety.

PART VII. SANITATION, ETC.

APPLICATION

35. In cases of conflict or discrepancy between this part and rules made under the Trades and Industries (Regulation) Ordinance, the health authority shall decide which rule shall apply in any particular case.

WELLS

36. Wells intended to supply water for human consumption or domestic purposes shall comply with the following requirements :—

(a) *Situation.* The well shall be :—

- (i) not less than 15 metres from any ash pit, refuse pit, earth closet or privy ;
- (ii) not less than 20 metres from any cesspit, soakway or borehole latrine ;
- (iii) so situated that contamination by the movement of sub-soil or other water is unlikely.

(b) *Well head.* The walls or head of the well shall be raised above the level of the adjoining ground to form a parapet or curb and to prevent surface water from flowing into the well, and shall be surrounded with a paving constructed of impervious material which shall extend for a distance of not less than 2 metres in every direction from the parapet or curb forming the well head, and the upper surface of such paving shall be sloped away from the well.

(c) *Rendered lining.* The interior surface of the lining or walls of the well shall be rendered impervious for a depth of not less than two metres measured from the level of the ground immediately adjoining the well head.

(d) *Pump.* The well shall be provided with a suitable pump, if the Engineer so requires.

(e) *Bucket wells.* A well from which water is drawn by means of a bucket or other similar apparatus shall be provided with :—

- (i) an anti-malarial pattern type of cover approved by the Engineer ;

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- (ii) a stand for the bucket, raised not less than fifteen centimetres above the level of the surrounding paving.

WATER TANKS AND CISTERNS

37. A tank or a cistern constructed or fitted in connection with a building and intended for the storage of water for human consumption or domestic purposes shall comply with the following requirements :—

- (a) *Overflow pipe.* The tank shall be provided with an overflow pipe which shall—
 - (i) be so placed and fitted as to prevent entry of animals and insects ;
 - (ii) not be connected to a drain or sewer ;
 - (iii) have an open end to permit the overflow pipe serving also as a warning pipe.
- (b) *Draw-off arrangement.* The tank shall be provided with a draw-off pipe, tap or other apparatus for emptying it, which shall be not more than five centimetres from the bottom of the tank.
- (c) *Metal tank.* A tank constructed of, or lined with, metal or metal sheets shall be of such design, weight and quality as is approved by the Engineer.
- (d) *Tanks below ground level.* A tank or cistern wholly or partly below the level of the ground, shall be water-tight, properly covered over and shall be constructed of Quality " A " concrete, sound masonry or brickwork in cement mortar to a design and in a manner approved by the Engineer and shall be rendered inside with cement mortar.
- (e) *Pipes and fittings.* All pipes and fittings connected to the tank shall be jointed and connected thereto with proper and water-tight joints.
- (f) *Access and ventilation.* Every tank, whether above or below ground level, shall be provided with adequate means of ventilation and access for cleaning and all apertures in the casing of the tank shall be made mosquito-proof.

PIPES, JOINTS AND FITTINGS

38. All pipes, including all bends, junctions, tees, and elbows, and all fittings used in connection with, or forming part of, the sanitary installation of a building or for the supply and distribution of water to and in a building shall be made of such material and be of such weight and pattern and be so fixed and jointed in such a manner as is approved by the Engineer.

CESSPOOLS

39. Cesspools shall comply with the following requirements :—

- (a) *Situation.* The cesspool shall be situated—
 - (i) at least four metres distant from any building ;
 - (ii) at least twenty metres from a well, spring or stream of water ;
 - (iii) in such a position as to afford ready means of access, to the satisfaction of the Engineer, for the purpose of cleaning and emptying it. Such means of access shall not be through a public, domestic or industrial building.
- (b) *Construction.* The cesspool shall—
 - (i) be so constructed as to comply with the requirements of Rule 37 (d), (e) and (f) ;
 - (ii) not communicate or be connected with a drain or sewer ;
 - (iii) not be provided with an overflow pipe.
- (c) *Capacity.* The cesspool shall have a minimum capacity of six cubic metres or such greater capacity as the Engineer may require.

SEPTIC TANKS

40. Septic tanks shall comply with the following requirements :—

- (a) *Situation.* The septic tank shall be situated :—
 - (i) at least four metres from any building ;
 - (ii) in such a position that the effluent will not contaminate any well, spring or stream of water ;
 - (iii) in such a position as to afford ready means of access, to the satisfaction of the Engineer, for the purpose of cleaning and emptying it. Such means of access shall not be through a public, domestic or industrial building.
- (b) *Construction.* The septic tank shall—
 - (i) be so constructed as to comply with the requirements of Rule 37 (d), (e) and (f) and be of a design approved by the Engineer ;
 - (ii) not communicate or be connected with a drain or sewer.
- (c) *Capacity.* The septic tank shall be of a capacity sufficient for its purpose and approved by the Engineer.
- (d) *Outlet.* The outlet pipe from the septic tank shall discharge the effluent over or into a filter or percolating pit and a dosing syphon shall be provided if the Engineer so requires.

- (e) *Filter or Percolating Pit.* The filter or percolating pit shall be of such size, design and construction as are approved by the Engineer.
- (f) *Disposal of effluent.* The effluent issuing from the filter or percolating pit shall be taken to such outfall or be disposed of in such manner as the Engineer may require.

DRAINAGE OF SUBSOIL

41. Wherever in the opinion of the Engineer the site of a building so requires, the subsoil shall be drained effectively by means of subsoil drains or by other means, to the satisfaction of the Engineer.

DRAINAGE OF ROOFS

42.—(1) The roofs of a building shall be so constructed or formed as to permit of effectual drainage of the rainwater therefrom by means of a sufficiency of rainwater pipes of adequate size so arranged, jointed and fixed as to ensure that the rainwater is conducted away from the building without causing dampness in any part of the walls or foundations of the building or those of an adjacent building.

(2) The Engineer may require rainwater pipes to be connected to a drain or sewer or to a covered channel formed beneath the public footpath to connect the rainwater pipe to the road gutter, or in any other manner.

(3) Rainwater pipes shall be affixed to the outside of the external walls of the building or in recesses or chases cut or formed in such external walls or in such other manner as the Engineer may approve.

SURFACE WATER DRAINS

43.—(1) Any land, passage or other area within the curtilage of a building shall, if the Engineer so requires, be effectively drained by surface water drains or other means to the satisfaction of the Engineer.

(2) The written consent of the Engineer shall be obtained for connecting any subsoil or surface water drain to a sewer.

DRAINAGE OF LOWEST STOREY IN A BUILDING

44. The lowest storey of a building shall be at such level and so constructed as to allow of its effectual drainage by gravity.

DRAINS

45. Drains in connection with a building shall comply with the following requirements:—

(a) *Materials.* The pipes shall be sound, glazed,

stoneware or cast-iron pipes conforming to the requirements of the current British Standard Specification or centrifugally spun concrete pipes complying with the specification approved by the engineer. Cast-iron pipes shall be coated inside and outside with Dr. Angus Smith's solution or treated in such other manner as may be approved by the Engineer.

(b) *Gradient.* The pipes shall be laid at such gradient, not being less than 1 in 40, as may be determined by the Engineer.

(c) *Joints.* If the pipes are:—

- (i) cast-iron socketed pipes, the joints shall be made with hemp or yarn and well caulked lead;
- (ii) cast-iron flanged pipes, the flanges shall be securely bolted together in a manner approved by the Engineer;
- (iii) stoneware, they shall be socketed pipes jointed together with hemp or yarn and cement mortar composed of one part cement to one part sand.
- (iv) centrifugally spun concrete pipes, the joints shall be tarred.

(d) *Drains beneath buildings.* Drains shall not, without the written consent of the Engineer, be so laid as to pass beneath a building, and where such consent is given, the drain shall be constructed of cast-iron pipes surrounded with concrete not less than ten centimetres thick and shall be laid in a direct line between the point at which it leaves the building, and shall be provided with means of access at each of such points.

(e) *Drains outside building.* Where a drain is laid in or on the ground outside a building and is constructed of material other than cast-iron:—

- (i) for a distance of fifteen metres from the building or as approved by the engineer it shall be laid on a bed of good quality concrete not less than ten centimetres thick and of a width equal to at least three times the diameter of the pipe, unless in the opinion of the Engineer the nature of the ground renders it unnecessary, and shall be haunched up with similar concrete to at least half of the height of the pipe.
- (ii) if the soffit of the pipes is less than 50 centimetres below the surface of the ground, the pipes shall be surrounded with concrete at least ten centimetres thick.

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(f) *Junctions.* Every branch drain shall join the main drain obliquely in the direction of the flow of the main drain.

(g) *Means of access.* The pipes shall be provided with adequate means of access and shall be of such materials, size and construction as may be required by the Engineer.

(b) *Protection of drains beneath wall.* Where the drain is laid beneath or passes through a wall it shall be protected from, and relieved of the weight of, the wall by means of a relieving arch or lintel formed in the wall immediately over the drain, or by such other means as may be approved by the Engineer.

(i) *Inlets to drains.* Every inlet to the drain to be trapped, other than a soil pipe or ventilating pipe, shall be trapped by a suitable and efficient trap of a design to be approved by the Engineer.

(j) *Intercepting trap.* An intercepting trap of a type and pattern approved by the Engineer shall be fixed to every drain where it discharges :—

(i) into a cesspool or septic tank, as near as practicable to such cesspool or septic tank ;

(ii) into a sewer, as near as possible to the boundary of the premises :

Provided that where a drain discharges into a sewer the Engineer may, at his discretion, allow it to be connected to the sewer without the interposition of an intercepting trap.

(k) *Trenches for drains.* Where in the opinion of the Engineer a trench for drains is so situated, or the nature of the ground is such, that the stability of the foundations of the building may be affected, he may require necessary precautions to be taken.

(l) *Ventilation of drains.*

(i) There shall be one ventilating pipe connected to every drain at the highest point of the drain and carried up one metre above the highest part of the roof of the building with which such drain is connected.

(ii) Where a drain is connected to a sewer without the interposition of an intercepting trap, the Engineer may require every branch drain exceeding ten metres in length to be provided with a ventilating pipe.

(iii) Ventilating pipes shall have an internal diameter of not less than eight centimetres and shall otherwise comply with

the requirements of these Rules relating to soil pipes.

(m) *Testing of drains.* Every drain when tested by means of the water test shall be capable of resisting a pressure of one metre head of water.

SOIL PIPES, ETC.

46. Soil pipes, soil ventilating pipes and ventilating pipes shall :—

(i) be constructed of drawn lead pipe or heavy grade cast-iron pipe complying with the current British Standard Specification for similar pipes or of such other materials and construction as the Engineer may approve or require ;

(ii) be easily accessible and provided with an adequate number of cleaning eyes in suitable positions ;

(iii) be situated outside a building, or, with the approval of the Engineer, be placed in ducts or chases in the external walls of a building, and when so placed they shall be grouped and arranged, and the ducts or chases shall be designed and treated, to the satisfaction of the Engineer ;

(iv) throughout their entire length be circular in cross section and have an internal diameter of not less than ten centimetres, or such larger diameter as the Engineer may require, if, in his opinion, the circumstances so warrant, and where the internal diameter of the outlet of the trap of any water closet, slop sink, bidet or urinal connected to any such pipe exceeds ten centimetres the pipe shall have a diameter not less than the diameter of such outlet ;

(v) be securely fixed, and placed and of a height to the satisfaction of the Engineer ;

(vi) be jointed in the following manner :—
if constructed of :—

(1) drawn lead, the joints shall be of the kind known as plumber's "wiped" joints ;

(2) cast-iron with sockets, the joints shall be made with a gasket of yarn or hemp and the socket filled with lead, properly caulked ;

(3) cast iron with flanges, the flanges shall be securely bolted together to the satisfaction of the Engineer ;

(4) copper, the joints shall be of a

union type or of such other type as is approved by the Engineer ;

- (5) any other materials approved or required by the Engineer, the joints shall be made in a manner to the satisfaction of, or as may be prescribed by, the Engineer ;
- (vii) not be connected to a rainwater pipe or stormwater drain ;
- (viii) not have a trap in any part throughout their length ;
- (ix) be fitted at the upper and open end with a suitable grating or perforated cover having apertures of an aggregate area not less than the sectional area of the pipe ;
- (x) when tested, resist a reasonable air pressure or a water pressure of at least one metre head of water.

CONNECTIONS AND JOINTS

47.—(1) The connection between :—

- (a) the trap of a water closet apparatus and a soil pipe, soil ventilating pipe or drain pipe ; or
- (b) a soil pipe, soil ventilating pipe or ventilating pipe and a drain pipe,

shall be made in the manner and with the materials hereinafter prescribed, or as may otherwise be approved by the Engineer, and shall be so made as to maintain a continuous, smooth, unobstructed bore throughout the length of the pipe, trap or drain.

(2) The connection between :—

- (a) a lead trap and a lead pipe shall be a plumber's wiped joint ;
- (b) a lead pipe or trap and a copper pipe or trap shall be a plumber's wiped joint ;
- (c) a lead pipe or trap and an iron pipe or trap shall be by means of a brass or copper thimble or ferrule connected to the lead pipe or trap with a plumber's wiped joint, and with a gasket of yarn or hemp and the socket shall be filled with caulked lead ;
- (d) (i) a lead pipe or trap and a stoneware pipe or trap ; or
- (ii) a copper pipe or trap and a stoneware pipe or trap,

shall be by means of a brass or copper thimble or ferrule connected to the lead or copper pipe or trap, as the case may be, with a plumber's wiped joint and with a gasket of hemp or yarn and the socket shall be filled with a mortar composed of 1 part cement and 1 part sand ;

(e) a copper pipe and a copper trap shall be by means of a union nut or other compression joint approved by the Engineer ;

(f) a copper pipe or trap and an iron pipe or trap shall be by means of a brass or copper thimble or ferrule connected to the copper pipe or trap with a plumber's wiped joint and with a gasket of hemp or yarn and the socket filled with caulked lead ;

(g) an iron trap and an iron pipe shall, where the joints are of the socketed type, be made with a gasket of hemp or yarn and the socket shall be filled with caulked lead, and, where the joints are flanged, by placing a suitable packing between, and securely bolting together, the flanges ; or

- (h) (i) an iron pipe or trap and a stoneware pipe or trap ; or
- (ii) a stoneware pipe or trap and a stoneware pipe,

shall be with a gasket of hemp or yarn and the socket shall be filled with a mortar composed of 1 part cement and 1 part sand.

VENTILATING PIPES AND TRAPS

48.—(1) For the purposes of this Rule, the term "sanitary fitting" includes any water closet, slop sink, urinal or bidet.

(2) Where two or more sanitary fittings drain into a single soil pipe or waste pipe, the trap of every such fitting shall be ventilated into the open air by means of a branch ventilating pipe connecting the said trap to a main ventilating pipe, and such main ventilating pipe shall be continued vertically to a height not less than that of the soil pipe or waste pipe with which the said traps are in connection, or it may be connected to the said soil or waste pipe at a point above the level of the uppermost of the said traps.

(3) Branch and main ventilating pipes shall have a diameter of not less than five centimetres throughout and shall comply with the requirements of Rule 46.

(4) The connection of a ventilating pipe to a trap, branch, soil or waste pipe shall be :—

- (a) at a point not less than seven centimetres nor more than thirty centimetres from the highest point of the trap ;
- (b) on that side of the water seal nearest to the soil pipe or waste pipe ;
- (c) in the direction of the flow.

WASTE PIPES AND TRAPS TO BATHS,
LAVATORY BASINS AND SINKS

49.—(1) For the purposes of this Rule, the term "sanitary fitting" includes a bath, lavatory basin and sink (not being a slop sink).

(2) A waste pipe connected to a sanitary fitting and a waste ventilating pipe shall be made of drawn lead, copper or iron, or such other material as is approved by the Engineer, and shall be securely fixed and laid to an adequate gradient.

(3) The internal diameter of a waste pipe shall be not less than four centimetres or, where two or more sanitary fittings connect thereto, such larger diameter, if any, as the Engineer may require.

(4) Every waste pipe shall be trapped immediately after its connection to the sanitary fitting by a trap :—

- (a) made of drawn lead, cast iron, galvanised iron or copper or such other material as is approved by the Engineer ;
- (b) of a design providing a depth of water seal of at least four centimetres ;
- (c) provided with adequate means of inspection for cleaning purposes ;
- (d) complying with any other requirements of the Engineer.

(5) Where two or more sanitary fittings are fixed in a range, the waste pipe from each fitting may discharge without the interposition of a trap into an open channel made of glazed stoneware or other suitable material formed or fixed in or above the floor immediately below the sanitary fittings, covered with a detachable grating and discharging into a suitable and efficient trap of a design approved by the Engineer.

(6) The Engineer may at his discretion permit a waste pipe from a sanitary fitting to discharge into a soil pipe if :—

- (a) the internal diameter of such waste pipe is not less than five centimetres ;
- (b) the trap prescribed in sub-rule (4) is of a design providing a depth of water seal of at least five centimetres ;
- (c) such waste pipe complies with the requirements of Rules 51 and 52.

(7) Where two or more sanitary fittings fixed on different storeys drain into a waste-pipe such waste pipe shall be continued vertically, maintain the same diameter throughout, and be placed and be of a height to the satisfaction of the Engineer.

(8) Whenever the Engineer so requires, the trap of a sanitary fitting shall be ventilated by means

of a ventilating pipe carried up vertically in such a position and to such a height as the Engineer may prescribe, and when two or more sanitary fittings fixed on different storeys are connected to such a pipe, such pipe shall be continued vertically to a height not less than that of the waste pipe with which the said sanitary fittings are in connection, or it may be connected to the said waste pipe at a point above the level of the uppermost of the said fittings.

(9) Branch and main ventilating pipes shall have an internal diameter throughout of not less than two-thirds of the internal diameter of the branch and main waste pipes :

Provided that :—

- (a) the internal diameter of a ventilating pipe shall be not less than 3 centimetres nor more than 5 centimetres ;
- (b) where the waste pipe from any sanitary fitting is connected to a soil pipe or ventilating pipe the trap on the waste pipe shall be ventilated in the manner, and be made of the materials, prescribed in Rule 48.
- (10) (a) Every waste pipe shall pass through the external wall of the building and be continued downwards to discharge directly into a trapped gully of a design and made of material approved by the Engineer.
- (b) Where the length of such waste pipe or waste ventilating pipe inside the building exceeds four metres it shall comply with the requirements of Rules 46 and 47 :
Provided that the internal diameter shall be not less than three nor more than five centimetres.
- (11) Every waste pipe or waste ventilating pipe connected to a soil pipe shall, when tested, resist a reasonable air pressure or a water pressure of at least one metre head of water.

WATER CLOSETS

50. A water closet shall :—

- (a) be so situated that it shall have a window in an external wall abutting on an open space of a superficial area of at least 10 square metres ;
- (b) be not less than :—
 - (i) 1.20 square metres in area of floor ;
 - (ii) 0.90 metres in internal width ;
 - (iii) 2.50 metres in height between floor and ceiling ;
- (c) not be situated within, or entered directly from, another room ;

- (d) be so planned that access thereto is directly from the external air or from a lobby or hall, and such lobby shall be lighted and ventilated to the satisfaction of the Engineer.
- (e) if situated wholly or partly within a building :—
 - (i) be properly ceiled ;
 - (ii) be enclosed on all sides up to the level of the ceiling with walls of brick, stone, concrete or other approved materials ;
 - (iii) have all interior wall surfaces finished with a smooth impervious surface ;
- (f) if not situated wholly or partly within a building :—
 - (i) have a roof covering of material and constructed to the satisfaction of the Engineer ;
 - (ii) be enclosed on all sides with walls of brick, stone, concrete or other approved materials ;
 - (iii) be paved with hard, smooth, impervious material ;
 - (iv) be provided with an entrance door furnished with a lock or other suitable means of fastening from the inside of the compartment ;
 - (v) have all interior wall surfaces finished with a smooth impervious material.
- (g) be provided with one or more windows the aggregate superficial area of which, exclusive of the window frames and sashes, is not less than 1/5th of the floor area of the compartment, and such window or windows shall be in an external wall and at least one half of the superficial area thereof shall be made to open directly into the external air ;
- (h) be provided with one or more air bricks, gratings, shafts or other approved means of providing constant ventilation, and such means shall be placed in such positions as are approved by the Engineer and have an aggregate unobstructed sectional area of :—
 - (i) 0.05 square metres in the case of a compartment containing one water closet ;
 - (ii) 0.02 square metres for each water closet in the case of a compartment containing more than one water closet ;
- (i) be furnished with a soil pan which shall be :—
 - (i) made of glazed earthenware, enamelled fireclay or other equally suitable material and be of such shape, design and size as the Engineer may approve ;
 - (ii) provided with adequate and satisfactory means of flushing ;

- (iii) provided with a suitable, efficient trap made of cast iron, copper, lead, glazed earthenware, enamelled fireclay or other material approved by the Engineer ;

- (iv) in the case of a water closet other than a water closet of the "squatting" type, be furnished with a hinged seat, seat rims, or insets made of wood, composition or other material approved by the Engineer :

Provided that, where in special cases the Local Commission, at their discretion, permit a compartment to contain more than one water closet, the partitions separating each of such water closets shall have a space of not less than fifty centimetres between the top of the partition and the ceiling of the compartment and of not less than twenty-five centimetres between the bottom of the partitions and the floor, and shall be of such area and height as the Engineer shall prescribe and shall comply with any conditions which the Local Commission may attach to such special permit.

FLUSHING CISTERNS AND APPARATUS FOR WATER CLOSETS

51.—(1) Every water closet shall be provided with a suitable cistern and apparatus or valve for effectively flushing and cleansing the pan.

(2) The flushing cistern shall :—

- (a) be separate and distinct from any cistern used for drinking purposes ;
- (b) be of such cubic capacity as to provide a flush of not less than nine litres and, in the case of a water closet of the "squatting" type, of not less than eleven litres of water ;
- (c) be made of copper, lead or iron or such other material as is approved by the Engineer ;
- (d) be fitted with a ball valve, or other type of valve approved by the Engineer, arranged to enable automatic re-filling of the cistern within a period of two minutes ;
- (e) have a flush pipe made of copper, lead or iron or such other material as is approved by the Engineer, and having an internal diameter of not less than 3 centimetres, connected to the cistern and the flushing rim of the pan by a suitable, watertight joint.

(3) Where the water for flushing purposes is obtained otherwise than through supply mains, the provisions of subrule (2) shall be deemed to be complied with if the pan is connected with an effective flushing valve supplied with water from a storage cistern of adequate capacity used solely for the purpose of flushing sanitary fittings.

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(4) Any valve or apparatus, other than a flushing cistern, used for the purpose of flushing shall be of such design, made of such material and be so fixed as the Engineer may approve.

URINALS

52.—(1) A urinal compartment shall comply in all respects with the requirements of Rules 50 and 51(3), save that a compartment containing more than one urinal stall shall have a floor area and be of such height as the Engineer may require.

(2) The urinal shall consist of a stall made of glazed stoneware, glazed earthenware or enamelled fireclay or such other impervious material as is approved by the Engineer.

(3) (a) The urinal shall be provided with a suitable cistern and apparatus for flushing and cleaning the stall.

(b) The flushing cistern shall :—

- (i) be separate and distinct from any cistern used for drinking purposes ;
- (ii) be of such cubic capacity as to provide a flush of not less than two gallons for each stall in connection therewith, or such other capacity as the Engineer may require;
- (iii) be fitted with an apparatus providing automatic and efficient emptying and refilling of the water contents three or more times in each hour, as the Engineer may require ;
- (iv) be connected to the stall by a flush pipe made of lead, copper, or iron, or such other material as is approved by the Engineer, and such flush pipe shall have an internal diameter of not less than 1.50 centimetres and be fitted at the open end with a suitable spreader or sparge pipe to distribute the water over the surface of the stall.

BATHS AND SHOWERS

53.—(1) A bath-room or shower-room shall comply with the requirements of Rule 50(a), (e) and (f) for which purpose it shall be deemed to be a water-closet compartment.

(2) The bath tub shall be made of glazed earthenware, enamelled fireclay, enamelled cast-iron or other equally suitable material, shall discharge into a trap complying with Rule 49 and be provided with an overflow warning pipe which shall lead directly to the external air and terminate in a position approved by the Engineer and have an unobstructed bore.

(3) The floor of a shower-room shall be so laid as to have a fall to an outlet having a trap and waste pipe complying with the requirements of Rule 49.

NUMBER OF WATER CLOSETS

54. Buildings shall be provided with water-closets as follows :—

(a) (i) Every domestic building shall have at least one water closet.

(ii) A building containing separate apartments or shops shall have at least one water closet for each such apartment or shop.

(iii) A building designed or used for human habitation otherwise than in separate apartments, for example, hotels, hostels, hospices, and lodging houses, shall be provided with one water closet for every one hundred square metres of floor area and such additional water closets as the Engineer may require.

(b) In industrial, commercial and public buildings there shall be installed separately for each sex such water closets, urinals, bath tubs, showers and wash-hand basins in such numbers and of such materials and in such locations as may be prescribed from time to time by the health authority in any rules or regulations approved by that authority.

NUMBER OF BATHS OR SHOWERS

55. Every building designed or used for human habitation shall be provided with bath-rooms and shower-rooms as follows :—

(a) A building or part thereof designed or used for occupation by separate families or containing separate apartments shall have one bath-room or shower-room for each such family or apartment.

(b) A building designed or used for human habitation otherwise than in separate apartments shall be provided with one bath-room or shower-room to every water closet required by Rule 59(a)(iii) of these Rules.

CONNECTION OF DRAINS TO SEWERS

56. Any person desiring or required by any law to connect a drain or drains to a sewer shall :—

(a) give to the Engineer at least 48 hours notice in writing of his intention so to do ;

(b) obtain from the Engineer a permit for opening up any public road or interfering with any property belonging to, or vested in, the municipal corporation or local council, as the case may be ;

- (c) in writing, notify any public body possessing, or having rights in, services in or beneath the said road;
- (d) before commencing any work, pay to the Local Commission the cost of the work as estimated by the Engineer:

Provided that the Local Commission, through the Engineer, may at their discretion carry out that part of the work which is outside the curtilage of the premises concerned.

POWER TO CONDEMN UNSATISFACTORY WORK

57. The Engineer shall have power to condemn any work, workmanship or materials executed by any person under or by virtue of or pursuant to this Part of these Rules which in his opinion is unsatisfactory, insanitary or constitutes or is likely to constitute a danger to health, and any work, workmanship or materials so condemned shall be remedied, amended and made good or shall be removed in whole or in part and replaced by new work, workmanship or materials as the Engineer may require until finally completed to the entire satisfaction of the Engineer.

CERTIFICATE OF COMPLETION

58. No building shall be occupied or used until a certificate has been obtained from the Engineer to the effect that such building has been completed in accordance with the provisions of these Rules, and any authorised scheme applicable thereto.

PART VIII. SITES

SITES CONTAINING DEPOSITED REFUSE

59. No building may be erected on a site upon any part of which there is deposited refuse to which the Health Authority objects, until such refuse has been removed therefrom and the site has been prepared or left in a manner and in a condition suitable for building purposes to the satisfaction of the Engineer:

Provided that, where it is intended to found a building on piles or on reinforced concrete pillars, the Engineer may approve the erection of such building after the refuse has been appropriately treated by chemicals or in some other manner to the satisfaction of the Health Authority and has been covered by a layer of sand or other suitable material to a depth of not less than sixty centimetres or by a layer of cement concrete not less than fifteen centimetres thick.

SITES LIABLE TO FLOOD, ETC.

60. No building may be erected on a site liable to flood or on a slope forming an angle of more than 30 degrees with the horizontal or on soil unsuitable for percolation or in a wadi bed, unless it is proved by the owner, to the satisfaction of the Local Commission, that the erection of such a building will not be dangerous, or injurious to health or involve danger from flooding or erosion or cause undue expenditure of public funds in the provision of roads, sewers, sanitation, water supply or other public services.

SITES CONTAINING PITS, QUARRIES, ETC.

61. No building may be erected on a site which comprises or includes a pit, quarry or other excavation, or any part thereof, unless such site has been prepared or left in a manner and condition suitable for building purposes to the satisfaction of the Engineer.

DAMP SITES

62. Wherever the dampness of a site or the nature of the soil renders such precaution necessary, the ground surface of the site between the walls of any building erected thereon shall be covered with a layer of sound cement concrete not less than fifteen centimetres thick or with asphalt paving on a layer of closely packed broken stone hardcore not less than fifteen centimetres thick or otherwise rendered damp-proof to the satisfaction of the Engineer.

LOWEST STOREYS IN SITES SUBJECT TO FLOODS

63. In water-logged or low-lying areas subject to flooding and where a building has been specifically permitted under Rule 60, the Engineer may require the floor of the lowest storey of such a building to be raised above the maximum flood level of the adjoining ground or to such other level as he may prescribe.

PART IX. CONSTRUCTION OF BUILDINGS

STABILITY

64. Every building shall be so constructed as to ensure stability and its design and construction shall be to the satisfaction of the Engineer.

FOUNDATIONS

65. The foundations of every building shall be so designed and constructed as safely to sustain the dead load of the building and the superimposed

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load and to transmit those loads to, and distribute them over, the soil in such a manner that the pressure brought to bear on the soil by those loads shall not exceed that prescribed by the Engineer.

WALLS

66. External, party and cross walls shall be constructed of sound, incombustible materials in a good workmanlike manner:

Provided that nothing herein contained shall exempt or be deemed to exempt any building from the provisions of any authorised scheme prescribing that in the planning area in which such building is situated, the external walls of buildings shall be constructed of, or faced with, stone.

DAMP PROOFING WALLS

67. Whenever in the opinion of the Engineer the nature, relative level or other characteristic of a building site so demands, he may require measures to be taken for rendering the lowermost part of the building damp-proof, in which case:—

(a) the walls and piers of the building shall be provided with a damp-proof course of asphalt or other suitable, durable material, impervious to moisture, and such damp-proof course shall be laid at a level not higher than the lowest part or underside of the construction of the ground floor, and shall extend to the full width and extent of such walls and piers, and not less than fifteen centimetres above the surface of the ground adjoining such walls and piers;

(b) where the surface of the ground adjoining, and immediately abutting on, the walls of a building is higher than the floor of the basement or ground storey, or any part thereof, the said walls:—

(i) from a level not less than fifteen centimetres below the construction of the lowermost floor up to a height not less than fifteen centimetres above the surface of the ground immediately abutting thereon and to the full extent hereof, shall be constructed of cavity walls or otherwise in a manner and of materials and thickness to the satisfaction of the Engineer.

(ii) shall, if the Engineer so requires, be rendered with asphalt or other suitable impervious material on all surfaces on which the ground abuts;

(iii) shall be provided with a damp-proof course laid at the level and in the manner and as prescribed in paragraph (a) of this

Rule and a similar damp-proof course at a level not less than fifteen centimetres above the surface of the adjoining ground.

PARAPETS

68. Every wall of a building which is continued upwards above the level of the roof, flat or gutter so as to form a parapet shall be finished on the top with an adequate coping the upper side of which shall have a slope towards the roof, flat or gutter, or as decided by the engineer.

DEFINITION OF HEIGHT OF WALL

69. The height of a wall shall be deemed to be the measurement from the base to the highest part of the wall, or, in the case of a gable, to half the height of the gable.

DEFINITION OF LENGTH OF WALL

70. For the purpose of determining the thickness of the walls, walls shall be deemed to be divided into distinct lengths by return walls and piers and the length of a wall shall be measured from the centre of one return wall or pier to the centre of another return wall or pier provided that:

(a) such return walls are external, party or cross walls of the thickness prescribed by these Rules and bonded into the wall so deemed to be divided;

(b) each of such piers is of a width equal to not less than twice the thickness of the wall so deemed to be divided and projects on each side of the said wall for a distance at least equal to the thickness thereof or projects on one side of the said wall for a distance at least equal to twice the thickness of the wall;

(c) the aggregate extent or superficial area of all recesses and openings therein when measured in elevation and taken together does not exceed one half of the whole extent or superficial area of the wall when measured in elevation;

(d) such return walls are throughout of a height not less than the walls so deemed to be divided.

THICKNESS OF WALLS

71.—(1) All external and party walls of buildings constructed with reinforced concrete shall be of the minimum thickness prescribed by the British Standard Specification with such modifications, if any, as may be required by the Engineer.

(2) All external and party walls of domestic buildings not constructed with reinforced concrete shall be of the minimum thickness prescribed in Appendix "A" to these Rules.

(3) All external and party walls of buildings, other than domestic buildings, not constructed of reinforced concrete shall be of the minimum thickness prescribed in Appendix "B" to these Rules :
 Provided that if any storey of the building exceeds in height sixteen times the minimum thickness prescribed in Appendix "B" to these Rules for the walls of such storey, the minimum thickness of each external or party wall throughout such storey shall be increased to one-sixteenth part of the height of the storey, and the minimum thickness of each external or party wall below the storey shall be increased to the like extent, but any such additional thickness may be confined to piers properly distributed of which the collective width amounts to one-fourth part of the length of the wall.

CAVITY WALLS

72. Cavity walls shall be constructed as follows :—

- (a) the outer and inner walls of cavity wall shall be not less than twelve centimetres thick and shall be securely tied together by bonding ties, of a design and made of material to the satisfaction of the Engineer, placed at intervals not exceeding one metre horizontally and half a metre vertically, and shall be separated by a cavity not exceeding eight centimetres in width :
 Provided that the Engineer shall have power in any particular case, if in his opinion the circumstances so warrant, to require a greater thickness for the inner and outer walls and to reduce or increase the width of the cavity ;
- (b) woodwork forming part of a door frame, window frame, lintel or other thing inserted into the wall so as to project into, or extend across, the cavity shall be covered on the whole of the upper or other surfaces exposed to the cavity by suitable material impervious to moisture in such a manner as effectively to protect the woodwork from moisture ;
- (c) the aggregate thickness of the outer and inner walls of such wall, excluding the cavity, shall be not less than the thickness prescribed by the engineer for a solid wall of similar height and length and constructed of similar materials ;
- (d) where the outer wall of such wall is constructed of materials or in a manner different from the inner wall, the aggregate thickness of the two parts shall be not less than the greater of the two thicknesses prescribed by the engineer for a solid wall of similar height and length and constructed of the two materials respectively.

WALLS CONSTRUCTED OF HOLLOW BLOCKS

73. External or party walls constructed of hollow blocks shall comply with the following requirements :—

- (a) the blocks shall be cement concrete compounded in the manner prescribed by the Engineer ;
- (b) the thickness of the outer wall of each block shall in every part be not less than one-quarter the height of the block, save as otherwise approved by the Engineer ;
- (c) the aggregate sectional area of all the hollow spaces in each block shall not be greater than one-third of the total sectional area of the block, save as otherwise approved by the Engineer ;
- (d) the conditions of Rule 72(b) shall apply.

CONCRETE AND COMPOSITE WALLS

74. External or party walls constructed of concrete poured in situ and not reinforced with steel, or as a composite wall with a stone facing and concrete backing, shall comply with the following requirements :—

- (a) the concrete shall be compounded and worked, and the stones in the facing shall be selected, shaped and built in the manner prescribed by the Engineer ;
- (b) the thickness of such walls shall be not less than the thickness prescribed by the Engineer.

SPECIAL PROVISIONS FOR CERTAIN BUILDINGS

75. Notwithstanding anything contained in this Part of these Rules, a building may be constructed of such materials and in such manner and for such purpose as the Engineer may approve provided it is of a temporary character and is removed within one week after written notice to that effect has been given by the engineer.

SEPARATION OF TRADE AND RESIDENTIAL PREMISES

76. In every building the cubical extent of which is one hundred and fifty cubic metres used in part for the purposes of trade or manufacture, and in part as a domestic building, the two parts shall be separated by walls and floors constructed of fire-resisting materials, and all passages, corridors, staircases and other means of approach to the part used as a domestic building shall be constructed of fire-resisting materials and all doorways communicating between the said two parts shall be fitted with fire-resisting doors and door frames.

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PROJECTING QUOINS, ETC.

77. The upper surface of quoins, bands, cornices and similar features where projecting from the face of external walls shall be suitably weathered.

BEDDING OF JOISTS

78. The ends of steel or other joists where bearing directly upon, or built into, a wall shall be bedded on stone or reinforced concrete templates or pad-stones the breadth of which shall be not less than three times the breadth of the joist.

PART X. CHIMNEYS, FIREPLACES, FLUES, ETC.

FLUES

79. Every receptacle for the combustion of fuel, including a fireplace, copper, oven, cooking range, stove, and furnace shall be provided with an adequate flue leading to the external air.

CONSTRUCTION OF FLUES

80. Flues shall be constructed of:—

- (a) stone or brick properly bonded and constructed and not less than 12 centimetres thick: Provided that the thickness of the upper side of the flue when its course makes with the horizon an angle of less than 45 degrees shall be at least twenty-two centimetres;
- (b) piping of iron, steel or other suitable metal, properly jointed and securely fixed;
- (c) such other materials as the Engineer may approve.

HEIGHT OF FLUES

81. Every flue shall be carried to a height not less than one metre above the roof, flat or gutter adjoining thereto measured at the highest point in the line of junction with such roof, flat or gutter, and where roof towers are constructed such flue may form part of the tower.

FIREPLACE BACK

82. The back of every fireplace opening and every smoke flue in a party wall shall be not less than one brick thick.

RENDERING OF FLUES

83.—(1) The inside of every flue, other than a flue constructed of the materials permitted by Rule 80(b) shall throughout its entire length be rendered or pargetted with suitable mortar or be lined with fire-resisting piping.

(2) The outside of every flue where passing through a floor or roof constructed of timber or other com-

bustible material or where contiguous to any wood-work shall be similarly rendered or pargetted or lined with fire-resisting materials.

FOUNDATION OF CHIMNEYS

84.—(1) A chimney may be built on corbels of brick, stone or other incombustible material if when so corbelled out it does not project from the wall more than the thickness of the wall measured immediately below the corbel, or it may be built on iron, steel, or reinforced concrete girders with direct and adequate bearing on external, party or cross walls.

(2) All other chimneys shall be built on solid foundations.

SOOT DOORS

85.—(1) No flue shall be inclined at a less angle than forty-five degrees from the horizon unless it is adequately provided with proper soot doors for inspection and cleaning purposes.

(2) Such soot doors shall be of an area not less than two hundred and sixty square centimetres and shall be not less than fifty centimetres distant from any woodwork.

PART XI. CONVERSIONS, ETC.

CONVERSION OF BUILDINGS

86. Save with the approval of the District Commission, no person shall—

- (a) convert into, or use as a dwelling house, any building or part of a building not originally constructed for human habitation;
- (b) convert into one dwelling house, two or more dwelling houses constructed as such originally;
- (c) convert into, or use as two or more dwelling houses, any building or part thereof, originally constructed as one dwelling house;
- (d) convert into, or use as a place for human habitation, any premises or part thereof originally used as a shop or for purposes of trade or industry;
- (e) convert into, or use as a shop or for purposes of trade or industry, any dwelling house or part thereof.

CONVERTED BUILDINGS TO COMPLY

87. Any building or part of a building converted to a use other than that for which it was originally built, approved or permitted shall comply with the provisions of these Rules relating to buildings of the class or character to which it is converted.

OPENINGS IN FOUNDATION WALLS

88. No opening may be made or left in a foundation wall, plinth or floor of any building to give access to any hollow or filled space under the lowermost floor of such building.

PART XII. DANGEROUS STRUCTURES.

DEFINITIONS

89. For the purposes of this Part of these Rules, unless the context otherwise requires—

“Engineer” includes any person appointed by the Local Commission to perform the duties and exercise the powers of the “Engineer” under this Part;

“occupier” means any person in actual occupation of any building, or part thereof, and includes any tenant or sub-tenant;

“owner” means any person who is in receipt of the rents or other profits of the building whether on his own account or as an agent or trustee.

RESPONSIBILITY OF OWNER

90. The owner of any building shall take the necessary measures for its proper care and maintenance in such manner as to ensure the safety of the occupiers and the public, and the owner shall be held entirely responsible for keeping it at all times in a safe condition.

INSPECTION OF DANGEROUS BUILDINGS

91.—(1) The Local Commission shall cause or require the Engineer to make inspections of buildings which are, or may be, or are likely to become, in a dangerous condition, and the Engineer shall prepare and submit to the Local Commission a report upon the condition, safety or otherwise of such buildings.

(2) The Engineer shall from time to time inspect the buildings within the planning area and shall prepare and submit to the Local Commission a report with regard to any building which in his opinion is, or is likely to be, in a dangerous condition.

(3) Where it is known to the owner or occupier of any building, or such owner or occupier has reason to suspect, that the building is in a dangerous condition he shall accordingly so inform the Local Commission, and upon receipt of such information or upon it otherwise coming to their knowledge that a building is in a dangerous condition, the Local Commission shall immediately require the Engineer to make a survey of the building and submit to them his report.

ACTION TO BE TAKEN BY LOCAL COMMISSION

92.—(1) Upon the completion of his said survey and report the Engineer shall, in the case of any building which in his opinion is in a dangerous condition, immediately submit to the Local Commission a certificate to that effect, and the Local Commission shall thereupon cause notices in writing to be served on the owner and occupier of the building requiring such owner and occupier immediately to fence off, reinforce, shore up, or demolish such building, or any part thereof, or to take such other action as may be specified in such notice.

(2) If the owner or occupier on whom the notice is served fails to comply with the terms of the notice the Local Commission shall take such action as the Engineer considers necessary to remove the danger, whether by demolition or repair of the building, or otherwise.

(3) If any work is executed otherwise than as specified in the notice, the Local Commission shall in writing require the person who has caused the work to be executed or the owner or occupier to take, within a prescribed time, the measures specified in the notice and, if within the prescribed time such measures have not been taken, the Local Commission shall cause the Engineer to take such prescribed measures.

EMERGENCY MEASURES

93.—(1) When a building has been certified by the Engineer to be in such a condition as to constitute an imminent or immediate danger to the occupiers, inhabitants or users thereof, or to the public, the Local Commission shall order the immediate closure of such building and the evacuation therefrom of the occupiers, inhabitants and users thereof, and the owner shall immediately take such measures to remove the danger, whether by demolition or repair of the building or otherwise, as may be required or prescribed by the Engineer.

(2) If such measures are not immediately taken by the owner, or by reason of the owner not being found or his whereabouts being unknown, the Local Commission shall cause the Engineer to take the said required or prescribed measures to remove the danger, whether by demolition or repair of the building or otherwise.

IMMEDIATE ACTION

94. Where a building has been certified by the Engineer to be dangerous to the occupiers, inhabitants or users thereof, he shall apply to the

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District Commissioner for an order of immediate closure and/or the removal of the inmates of such building by the police authorities.

EXPENSES

95. The cost of any measures taken by the Local Commission, or the Engineer on their behalf, under Rules 92 and 93, including the cost of any survey, shall be paid by the owner of the building.

POWER OF ENTRY

96. The Engineer may, upon giving reasonable notice, enter into any building for the purpose of carrying out any of the provisions of these Rules.

PENALTIES

97. Any person who—

- (a) refuses or neglects to carry out any measures he is required to take under this Part of these Rules, or
- (b) otherwise contravenes the provisions of this Part of these Rules, shall be punishable as provided for in the Ordinance.

NOTICES

98.—(1) When a notice is to be served under this Part of these Rules on any person, such notice may be served by forwarding the notice by registered post to such person at his usual or last known place of abode or business premises and the receipt for such registered letter shall be proof of the service of the notice.

(2) The notice required by this Part of these Rules to be served on the owner or occupier of any building shall be deemed to be properly addressed if it be addressed by the description of "owner" or "occupier" of such building, without the addition of any other name, title or description.

(3) If the owner cannot be traced, the notice shall be deemed to have been properly served if posted on the building.

PART XIII. PUBLIC BUILDINGS

EXEMPTIONS

99. In case of conflict or discrepancy between the part and rules made under the Trades and Industries (Regulation) Ordinance, the health authority shall decide which shall apply in any particular case. A building constructed, or adapted to be used, as a place of public worship shall be exempt from the requirements of this Part of these Rules other than Rules 100, 102, 103, 106, 107, 108, 109, 110, 111, 119, 121 and 126.

FRONTAGES

100. A public building shall not be erected on any site unless at least one-sixth part of the total length of the boundaries of the site abuts on a road not less than twelve metres in width.

THEATRES AND CINEMAS

101. A public building provided with a proscenium opening and a stage on which scenery may be used, or a building constructed or adapted to be used for the exhibition of cinematograph films (whether occasionally or ordinarily) shall—

- (a) not be constructed beneath, or near any part of, any other building ;
- (b) where forming part of another building, comply with such requirements as the Local Commission and the Engineer may prescribe ;
- (c) not contain living rooms or in any part be used for human habitation ;
- (d) not have openings in an external wall at a distance less than six metres from any adjoining building or property unless separated and entirely disconnected from such building or property by means of a wall constructed of stone, brick or concrete not less than twenty-five centimetres thick and of such a height that no part of any opening in such adjoining building or in any building which may be erected on such adjoining property shall be higher than the part of the wall immediately opposite such opening ;
- (e) not be erected on a site unless in addition to the requirements of Rule 100 at least one half of the total length of the boundaries of the site abut or front on to roads not less in width than nine metres, if a carriageway, and not less in width than five metres if a footway.

FLOORS, TIERS, ROOFS, ETC.

102. In every public building, all floors, staircases, balconies, tiers, roofs and all other parts used by the public shall be constructed of fire-resisting materials and shall comply with the following requirements—

- (a) there shall not be more than two tiers or horizontal divisions above the lowest floors used by the public as an auditorium. Where the seats of any tier are separated from other seats in the same tier by a partition, all such seats shall be deemed to form, or belong to, one tier ;
- (b) the height measured from such lowest floor to the soffit of the tier next above shall be not less than three metres ;

- (c) the height measured from the floor of the first tier to the soffit of the second tier, if any, shall be not less than two metres and fifty centimetres ;
- (d) the height between the topmost part of the floor of the highest tier and the lowest part of the ceiling over that tier shall be not less than three metres.

EXITS

103.—(1) In every public building two separate exits leading directly to a road shall be provided from any tier or floor, and where a tier or floor accommodates more than four hundred persons an additional exit leading directly to a road shall be provided for every two hundred, or part of two hundred, persons in excess of the said four hundred, and such exits shall comply with the following requirements :—

- (a) every such exit shall have a clear width of not less than one metre and fifty centimetres measured between the walls at any point and also between the jambs of the frames of any doors therein ;
- (b) two of the exits from each tier or floor shall lead into different roads ;
- (c) where any tier or floor is divided into two or more parts, exits as prescribed in this Rule shall be provided from each of such parts ;
- (d) in calculating the number of persons which can be accommodated in any tier or floor, the standing space, other than the space afforded by the intersecting gangways, shall be considered as well as the seating area ;
- (e) where in order to comply with this Rule a passage or way is necessary, it shall be provided by means of a private passage or way not less than five metres wide and shall be in the sole ownership and under the complete control of the owner of such building and premises and if less than six metres in width no doors or openings, other than the exits, shall communicate therewith or overlook any portion thereof.

(2) The owner shall allow the public to leave by all exit doors.

EXIT NOTICES

104.—(1) All doors in a public building used as a place of public assembly and used by the public as a means of exit shall be indicated by the word "EXIT" in clear lettering at least eighteen centimetres high inscribed in the three official languages and shall be to the satisfaction of the Engineer,

and such doors shall be further indicated by an electric lamp supplied by a special circuit independent from the general lighting of the building shining a red light at all times during which the building is being used by the public, and every such light shall be placed over the doors at a height of not less than two metres above the level of the floor.

(2) All doors visible to the audience which are not a means of exit shall be indicated by the words "NO EXIT" in clear lettering eighteen centimetres high inscribed in the three official languages and shall be to the satisfaction of the Engineer.

(3) All notices required under this Rule shall be placed over the doors at a height of not less than two metres above the level of the floor.

VESTIBULES

105. Where vestibules are provided in a public building, the aggregate width of all the doorways and passages communicating from each vestibule and leading therefrom to the road shall be at least one-third greater than the aggregate width of all doorways and passages leading into such vestibule.

CLOAKROOMS

106.—(1) In a public building, corridors or vestibules shall not be used as cloakrooms and pegs for hanging hats or cloaks shall not be allowed therein.

(2) Where cloakrooms are provided they shall be so situated that persons using them do not interfere with the free use of any exit way, and shall be separated from any exit way by a passage, corridor or vestibule of adequate dimensions and area to be approved by the Engineer.

STAIRCASES

107. In a public building every staircase for the use of the public :—

- (a) where it is designed for the use of not more than 200 persons, shall throughout be not less than one metre and thirty centimetres in width and in other cases not less than one metre and sixty centimetres in width, measured between finished surfaces of the enclosing walls ;
- (b) shall be enclosed by solid walls of fire-resisting material not less than twenty-two centimetres in thickness and, except where continued upwards above the roof as an open staircase, shall be ceiled with reinforced concrete or other materials to the satisfaction of the Engineer ;
- (c) shall have treads and risers of uniform width and height in each flight of steps and the steps shall be built into solid walls at both ends ;

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- (d) shall be arranged in straight flights without winders, and no flight shall have more than fifteen or less than three steps ;
- (e) shall have no more than two flights of fifteen steps each without a turn, and the depth of the landing between flights shall be not less than the width of the flight ;
- (f) shall have a continuous and uninterrupted handrail fixed securely to both sides of all steps and landings, and shall project not more than seven centimetres, and where a flight of steps returns the newel wall shall be chased out so as to allow the handrail to turn without projecting over the landing ;
- (g) shall have no recesses or projections, other than the handrail, for staircases prescribed in this Rule or projecting light fitting brackets, in the walls of such staircase at a height less than two metres above the tread of any stair or above the floor of any landing.

CORRIDORS AND LOBBIES

108. All corridors, lobbies and passageways for the use of the public shall be not less in width than the width specified for exits in Rule 103.

INCLINES

109. Inclines may be used instead of steps, and where used shall not have a gradient exceeding one in ten.

DOORS

110.—(1) Doors in a public building used by the public as a means of exit shall :—

- (a) when measured between the door frames or posts be of a width not less the widths specified for exits in Rule 103 ;
 - (b) be hung in two leaves and be made to open outwards towards the road ;
 - (c) be so hung that, when open, they will not obstruct any gangway, staircase, passage or landing nor open immediately upon a flight of steps ;
 - (d) be so arranged as to open within a recess or on to a landing not less than one metre and thirty centimetres in depth between such flight and door ;
 - (e) not be fitted with locks, bolts or obstructions to exit ;
 - (f) have no fastening other than automatic “panic” bolts of a pattern and in a position approved by the Engineer.
- (2) All doors leading from exit passages, staircases or corridors used by the public to the other

parts of the building shall be hung so as to be closed by the stream of persons passing from the auditorium to the road and shall be fitted with spring hinges.

(3) All doors and gates used by the public as entrances shall be made to open both ways, and shall, when opened inwards, be so fitted that they can be locked back against the wall in such a manner as to require a key to release them.

NON-INFLAMMABLE LININGS

111.—(1) No soft wood or other inflammable wall linings, partitions, screens or barriers shall be used in any part of a public building, and no cavities shall be formed or left behind linings.

(2) All woodwork of or on the stage shall be of hard wood or otherwise rendered non-inflammable.

WATER CLOSETS, ETC.

112. Every public building shall be provided with water closets, wash basins and urinals, constructed and arranged to the satisfaction of the Health Authority, and in numbers proportionate to the total seating and standing accommodation for the public, as follows :—

For every 200 seats or less :

<i>Males...</i>	...	2 Water closets
		2 Urinals
		2 Wash-hand basins.
<i>Females</i>	...	2 Water closets
		2 Wash-hand basins.

For every additional 200 seats or part of 200 seats :

<i>Males...</i>	...	1 Water closet
		1 Urinal
		1 Wash-hand basin
<i>Females</i>	...	1 Water closet
		1 Wash-hand basin.

Provided that if the building contains tiers of seats, there shall be a separate set of the said fittings at the level of each tier for both sexes and further provided that no set shall contain less than two units of each kind of fitting prescribed.

CINEMA OPERATING AND WINDING ROOMS

113.—(1) Where a public building is constructed, or adapted to be used, for the exhibition of cinematograph films, separate operating and winding rooms shall be provided and shall be constructed throughout of fire-resisting materials and efficiently ventilated by means of apertures communicating directly with the external air. The operating room shall communicate directly with the winding room by means of a door.

(2) The operating and winding rooms shall comply with the following requirements :—

- (a) the floor area of the operating room shall be not less than six square metres ;
- (b) there shall be no direct access from either room to the auditorium ;
- (c) the total area of apertures opening into the auditorium shall not exceed seven hundred and fifty square centimetres ;
- (d) each of such rooms shall be provided with a separate exit door leading either directly into the external air or into a lobby, corridor or passageway opening directly into the external air but not being a means of exit for the public ;
- (e) the said exit doors shall be made of fire-resisting material, and shall be close-fitting and be fitted with a self-closing device.

VENTILATION

114. Every part of a public building shall be adequately ventilated in a manner approved by the Health Authority.

PROSCENIUM AND STAGE

115. In every public building where a proscenium and stage are provided such proscenium and stage shall comply with the following requirements :—

- (a) the stage shall be separated from the auditorium by a wall of fire-resisting materials not less than thirty-three centimetres in thickness, and such wall shall be carried up to a height not less than one metre above the roof (such height being measured at right angles to the slope of the roof) and shall be carried down below the stage to a solid foundation ;
- (b) the number and position of openings in the proscenium wall (exclusive of the proscenium opening) shall be to the satisfaction of the Engineer :

Provided that :—

- (i) such openings shall not exceed three in number ;
- (ii) each opening shall not exceed two square metres in area ;
- (iii) each opening shall be fitted with an iron or steel door not less than six millimetres thick in the panel hung in a frame of similar metal with a lap of seven and a half centimetres and in such a manner as to be self-closing without a spring ;
- (iv) openings shall at the lowest part be at level not more than one metre above the floor of the stage ;

(c) decorations to and around the proscenium opening shall be constructed of fire-resisting materials ;

(d) a separate exit shall be provided from the stage direct to a road ;

(e) electric light shall be the only illuminant used on, and for, the stage ;

(f) the proscenium opening shall be provided with a drop curtain in the form of a fire-resisting screen of such pattern, material, and construction, and with such appliance for pouring water upon the surface of the screen which is towards the stage, as is approved by the Engineer ;

(g) the height above the stage shall be sufficient to allow of all scenes and the fire-resisting screen being raised vertically above the level of the top of the proscenium opening in one piece and without rolling or folding ;

(h) the roof over the stage shall not be of fire-resisting materials or heavy construction. It shall be provided at the back thereof with a lantern or other opening equal in area at the base to one tenth the area of the stage, glazed with thin sheet glass and capable of being opened to an extent not less than the required area of the said base of the opening by the action of lowering the fire-resisting screen or by the cutting or burning of a cord. It shall also be provided with suitable exhaust cowl.

DRESSING ROOMS

116.—(1) Dressing rooms shall comply with the following requirements :—

(a) they shall be adequately lighted and ventilated by windows in the external walls, and shall be divided from the stage and all other parts of the building by solid walls of brick, stone or concrete not less in thickness than twenty-three centimetres ;

(b) they shall have only such means of communication with the stage and the other parts of the building as the Local Commission may approve ;

(c) they shall have a separate exit way leading directly to a road and the exit doors thereof shall be fitted with automatic panic bolts only ;

(d) they shall not be situated at a line lower than one storey below the ground storey.

(2) Separate water closets, wash basins and urinals shall be provided for the use of the artistes and orchestra, in such numbers and so constructed and arranged as the Health Authority shall require.

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WORKSHOPS, ETC.

117.—(1) All workshops, store-rooms, wardrobes, painting rooms and other rooms used in connection with a stage and forming part of such a building shall be divided from the stage, from each other and from other parts of the building by solid walls of brick, stone or concrete not less in thickness than twenty-two centimetres and shall be arranged in positions to the satisfaction of the Engineer.

(2) All openings in such walls shall be fitted with fire-resisting doors complying with the requirements of Rule 115(b)(iii) and of such sizes as the Engineer may approve.

(3) All such rooms shall be adequately ventilated to the satisfaction of the Health Authority.

(4) Water closet and lavatory accommodation shall be provided for the work-people in such numbers and positions as may be required by the Health Authority.

BOILERS, DYNAMOS, ETC.

118. All boilers, dynamos and lime light tanks in connection with such buildings shall be situated in ventilated chambers of fire-proof construction separated from each other and other parts of the building by solid walls of brick, stone or concrete not less in thickness than twenty-two centimetres. At least one wall of each such chamber shall be an external wall and all openings between such chambers and other parts of the building shall be fitted with fire-resisting doors complying with the requirements of Rule 115(b)(iii).

LIGHTING AND HEATING

119.—(1) Every lighting or heating apparatus or installation in a public building shall be designed and executed to the satisfaction of the Engineer, and work shall not be commenced thereon until the written approval of the Engineer has been obtained for the proposed work.

(2) Additional means of lighting such building by artificial means in the event of failure of the normal electric light or other form of lighting shall be provided for the auditorium, corridors, passages, exits and staircases by means of a sufficient number of emergency electric lights fed from a battery in a manner approved by the Engineer and properly secured to a non-inflammable base and placed out of hand reach of the public.

Provided that the provisions of this sub-rule shall not apply where there are two complete and independent systems of electric lighting deriving current from separate sources.

FIREPLACES AND STOVES

120. Fireplaces and stoves shall not be permitted in any part of an auditorium or stage in a public building, and any open fireplace or stove in any other part of such building shall be adequately protected by strong fixed metal guards to the satisfaction of the Engineer.

GANGWAYS AND PASSAGES

121. Gangways or passages not less than one metre and ten centimetres wide shall be provided in the auditorium leading direct to the exit doors, and no seat shall be more than three metres and twenty centimetres from such a gangway or passage measured in a line of the seating.

SEATING

122.—(1) The seating area assigned to each person in the auditorium shall not be less than :—

(a) sixty centimetres deep and forty-five centimetres wide, where there are no arms or backs to the seats ;

(b) seventy centimetres deep and fifty centimetres wide, where there are arms or backs to the seats.

(2) There shall be a space of not less than thirty centimetres in depth between the back of every seat and the front of the next seat behind when measured between perpendiculars.

CHAIRS

123. Where separate chairs are used in an auditorium they shall be battened together in groups of not less than four nor more than twelve chairs so that the centre of the chairs are not less than fifty centimetres apart in the case of chairs with arms and forty-five centimetres apart in other cases.

PROVISIONS AS REGARDS TRAFFIC

124.—(1) When application is made for a building permit for the erection of a building or the conversion of an existing building to be used as a public building and the Local Commission is satisfied that the character and use of the building will be such as to cause or be likely to cause increased vehicular traffic or interference with the traffic along any road in front of, or adjacent to, such building, the Local Commission, as a condition of the permit, shall require the owner to provide and maintain such means of ingress and egress and such accommodation for the loading or unloading of vehicles, or the picking up and setting down of passengers and persons in connection with the building, as they shall specify.

(2) Where such building is to be used as a theatre, cinema or other form of public entertainment the owner shall, in addition to complying with the provisions of sub-rule (1), provide adequate parking space or spaces for vehicles in the immediate vicinity of the building of an area not less than twenty square metres for every twenty-five seats of public seating accommodation in the building, or of such greater area as the District Commission may in any particular case direct.

(3) Where the building is used as a cinema, theatre or other form of public entertainment the building owner shall in addition to the foregoing provide adequate entrance or waiting hall to the extent of not less than one square metre per six seats which area shall not include any corridor or passage and he shall also site any ticket windows or booking offices in such a manner as to prevent the use of any public way as queue space.

ACCESS FOR PUBLIC

125.—(1) Every public building shall, to the satisfaction of the Local Commission, be substantially supplied with ample, safe and convenient means of ingress and egress for the use of the public, regard being had to the purposes for which such building is intended to be used and to the number of persons likely to be assembled at any one time therein.

(2) The means of ingress and egress within and without the building shall during the whole time that such building is used by the public be kept free and unobstructed to the satisfaction of the Local Commission.

APPROVAL OF ENGINEER

126. Notwithstanding anything contained in this Part of these Rules, every public building (including every part thereof) shall be constructed in a manner to be approved by the Engineer and be subject to all the provisions of these Rules relating to buildings and to any regulations for such buildings under the Trades and Industries (Regulation) Ordinance.

POWER OF INSPECTION

127. The Engineer and any other officer authorised in writing by the Local Commission may at all reasonable times enter any building to satisfy himself that the provisions of this Part are carried into effect.

PART XIV. PERMITS

WORK AND USE FOR WHICH PERMIT IS REQUIRED

128. Work or use for which a permit is required under this Part of these Rules is as follows :—

- (a) construction of a building ;
- (b) conversion, extension, alteration or demolition of a building ;
- (c) construction of a road ;
- (d) excavation and filling ;
- (e) sewage and drainage construction ;
- (f) all work affecting the external appearance of a building ;
- (g) installation of bath, water closet, cesspit, percolating pit, sink or wash basin in an existing building ;
- (h) sinking of a well ;
- (i) use of a building or land for any purpose other than a purpose for which it is permitted to be used (whether specifically or as being a building or land situated in any particular area) under any authorised scheme affecting such building or land or under any permit issued in respect thereof.

APPLICATION FOR PERMIT

129.—(1) Application for a permit for any work or use specified in Rule 128 shall be made in writing to the Local Commission and signed by the owner and the architect and shall be in such form as may be prescribed from time to time by the Engineer.

(2) The applicant shall state in detail in the application the work or use which he proposes to carry out and shall submit such plans, sections, elevations, calculations and other details relating to the building or land as may be required by the Engineer or by the Health Authority, or by both the Engineer and the Health Authority. Such plans, sections, elevations, calculations and other details shall be signed by the owner and deposited in quadruplicate with the Local Commission for the area within which the work or use is to be carried out.

(3) (a) Upon the submission of an application for a permit a sum of 250 mils or a sum equal to 20% of the estimated fee payable in respect of such permit, whichever sum is the greater, shall be deposited with the Local Commission. Such deposit shall be retained and entered as revenue of the Local Commission in the event of the application being withdrawn by the applicant or rejected by the

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Local Commission or upon failure on the part of the applicant to collect the permit within six months from the date on which he is notified of the approval of his application, or, in the case of a building permit, if the building is not commenced within one year of the date of the approval of the application by the Local Commission.

- (b) in the event of a permit being issued in respect of a building, the deposit shall be retained by the Local Commission until the building is completed and shall be refunded to the applicant only after the issue of a certificate of occupancy in respect of the building :

Provided that if the owner fails to comply with rule 136, it shall be lawful for the Local Commission to retain the deposit.

- (4) No application shall be considered unless signed and deposited as required under this rule.

ISSUE OF PERMIT

130.—(1) A permit shall be issued by the Local Commission and signed by the Chairman and Engineer after the Engineer and the Health Authority have certified that the plans are in conformity with the relevant provisions of these rules for which they are respectively responsible or any authorised scheme or rules made under the Ordinance, and have signed the plans to that effect. The permit shall be accompanied by the plans so signed and approved which shall form part of the permit.

(2) Save as provided in sub-rule (1), a permit for the use of a building or land shall not be issued save with the approval in writing of the District Commission, and such permit shall be countersigned by the Chairman of the District Commission.

ATTACHMENT OF CONDITIONS TO PERMIT

131. The Local Commission shall have power when issuing a permit to attach such special conditions thereto as they think fit relating to all or any of the following matters :—

- (a) the materials to be used ;
- (b) the construction of sidewalks, boundary walls and fences ;
- (c) the carrying out of filling or excavation on the plot ;
- (d) the demolition, within a stated period, of any

structure or part thereof to which the permit relates or which is situated within the same plot as the structure to which the permit relates, on the ground that it is unsightly, insanitary or dangerous, or that, when considered either separately or in conjunction with the structure to which the permit relates, it does not comply with the provisions of any authorised scheme, by-law or rule made under the Ordinance applicable thereto ;

- (e) the use or change of use, within a stated period, of any structure or part thereof to which the permit relates or which is situated within the same plot as the structure to which the permit relates ;
- (f) any other kindred matters pertaining to the construction, sanitation or external appearance of buildings ;
- (g) the safety of labourers and the public during the execution of the work.

FUTHER PROVISIONS IN PERMITS

132. A permit may contain further provisions as to measures of sanitation, ventilation, drainage and supply of water prescribed by the Health Authority and Engineer, and the owner shall, subject to the provisions of any other Ordinance or law for the time being in force, carry out all such requirements as are stated in the permit in accordance with the signed and approved plans.

PERMITS FOR BUILDING FOR CERTAIN TRADES AND INDUSTRIES

133. No permit in respect of a building to be erected for a trade or industry coming within the scope of any legislation for the time being in force regarding the licensing of trades and industries shall be granted otherwise than in conformity with such legislation and until the approval of the Health Authority, has been obtained, and the holder of the permit shall conform to such conditions as may be prescribed by the Health Authority under such legislation.

PROHIBITION OF WORK OR USE WITHOUT PERMIT

134. No work shall be commenced and no building or land shall be put to any use until a permit has been issued, and the work shall be carried out and the building or land shall be put to use in accordance with the conditions laid down in the permit and the approved plans.

LIABILITY OF OWNER DURING CARRYING OUT OF WORK

135. Without prejudice to any liability under the provisions of any Ordinance or law in force, the owner—

- (a) shall take all steps necessary to protect the public and the workmen engaged upon the work from falling materials and from other damage directly attributable to the work, and shall be responsible for the safety of the workmen engaged on the work and, subject to the provisions of any Ordinance or law, shall be liable for any injury caused to any member of the public or workman while the work is in progress, by reason of his failure to take any such steps as aforesaid;
- (b) shall not permit any encroachment by the dumping of materials or otherwise on any road or pavement save with the written permission of the Engineer;
- (c) shall place such lamps, scaffolding and hoarding as may be required by the Engineer for the adequate protection of the public and workmen in and around the area within which the work is proceeding;
- (d) shall be responsible for the stability of the building during construction;
- (e) shall not permit the premises during construction to be used for dwelling purposes.
- (f) shall be prohibited from using or occupying the premises until certificate of occupancy and/or completion has been obtained from the Engineer.

REMOVAL OF DEBRIS

136.—(1) The owner shall remove any debris which remains on or about the premises or adjacent land or roads after the building operations have been completed or at such stages as the Engineer may direct while the building is in the course of construction.

(2) If the owner fails to remove the debris within forty-eight hours of receiving notice from the Engineer requiring him to do so, such debris may be removed by the Engineer and the costs of its removal shall be charged by the local Commission against the deposit (if any) paid by the owner, and the whole or any balance of such costs shall be recoverable by the Local Commission from the owner as a civil debt.

DURATION OF PERMIT AND RENEWAL

137. A permit shall be valid for one year from the date of issue thereof:

- (a) Provided that if the building or other work is not completed within that period the permit shall be renewable at any subsequent time if not conflicting with this part of these Rules, or any authorised scheme, or any other rules or any by-laws in force under the Ordinance at the date of the application for renewal, upon payment of the fee prescribed for the original permit or five pounds whichever is the less. The permit so renewed shall be valid for one year from the date of renewal.
- (b) and further provided that no permit shall be renewable if more than 3 years have elapsed since the date of issue, or in the case of a permit that has been renewed since the date of the last renewal.
- (c) no permit may be transferred without the written consent of the Local Commission.

LIABILITY OF OWNER FOR CONTRAVENTIONS

138. Any contravention of these Rules shall be deemed to have been committed by the owner.

CERTIFICATE OF OCCUPANCY

139. No premises shall be occupied until a certificate of occupancy in respect thereof has been obtained from the Local Commission.

PERMIT FEES

140. Subject to the provisions of this Part of these Rules, the fees payable in respect of permits for any work or use specified in rule 128 shall be the fees prescribed by Rule 143.

PART XV. PLANS ACCOMPANYING SCHEMES

REQUIREMENTS FOR PLANS ACCOMPANYING SCHEMES.

141. Every plan accompanying a scheme shall comply with the following requirements:—

- (a) the plan shall be on linen backed paper.
- (b) contours at suitable intervals shall be indicated where the land covered by the scheme necessitates them. For parcellation plans in hilly localities contours shall be shown at one metre interval. Where contours are approximate only, such fact shall be clearly stated. Embankments, cuttings and cliffs shall also be indicated.
- (c) the scale of plans shall be metric and sufficiently large to indicate the dimensions to within half a metre for parcellation schemes. The scale shall be drawn clear of detail.

MODEL BUILDING REGULATIONS

- (d) the name of the district, town, quarter or locality shall be clearly inscribed as a heading on the plan.
- (e) existing topographical details (including buildings and roads) within the area of the scheme shall be correctly indicated.
- (f) the north point shall be clearly indicated in the left hand top corner of the plan.
- (g) the plan shall correctly show the position of any survey triangulation point falling within the area of the scheme, such information having been obtained from the Director of Surveys.
- (h) in addition to such triangulation point the position of a well fixed and properly constituted datum bench mark shall be accurately shown and the level of the same coordinated with data provided by the survey Department shall be inscribed in the plan.
- (i) the plan shall be signed by the promoter and by the engineer, architect or licensed surveyor responsible for its execution and the date of survey shall be entered.
- (j)*the colours indicating the proposed alignment, zones and special reserves, shall be as set out hereunder and shall be described in a clear legend on the plan :—
 - (1) boundary of area to which scheme applies to be indicated by a blue line ;
 - (2) municipal or local council boundary, if any, to be indicated by a black dot and dash line ;
 - (3) area to be excluded, by a firm black line ;
 - (4) proposed roads in red ;
 - (5) proposed road widenings in red ;
 - (A) number of road in black
 - (B) width of road in red
 - (C) building lines in red
 - (6) roads to be stopped hatched red ;
 - (7) existing roads in brown ;

ZONES :

Residential Zone 'A' in orange ;
 Residential Zone 'B' in blue ;
 Residential Zone 'C' in yellow ;
 Commercial and Business Zone in grey edged purple ;
 Light Industrial Zone in purple edged purple ;
 Industrial (Oil, etc.) Zone in purple cross hatched purple ;
 Shopping frontage in zone colour edged purple ;

LANDS RESERVED UNDER THE SCHEME FOR :		
Existing public open spaces	open	dark green
Proposed public open spaces	open	light green hatched dark green.
Private open spaces	...	light green edged dark green
Existing burial grounds...		yellow edged and hatched dark green.
Proposed burial grounds		yellow edged and cross-hatched dark green.
Nature Reserve	light green, edged and cross-hatched dark green.
Sites for public buildings and special sites		brown edged dark brown.
Agricultural Reserves	...	edged and hatched dark green.
Archaeological Reserves		zone colour edged dark brown.
Sites for aerodromes	...	light green edged and hatched dark brown.
Reconstruction Areas	...	edged and hatched black.
Churches, mosques, synagogues and other places for public worship		yellow edged and hatched brown.
Existing buildings	...	black.
Special sites	orange edged purple.

(k) where zones and reserves are indicated by a colour and edging or edging and hatching of the same colour, the edging and hatching shall be of a distinctly darker tone ;
 (l) a sufficient space not less than 10 centimetres in width shall be left at the bottom of the plan for approval stamps by the various Commissions.
 (m) a key plan of the site should be shown with accurate survey grid lines.

PLANS TO BE SUBMITTED IN QUAD-RUPPLICATE

142. Every plan accompanying a scheme shall be submitted to the Local Commission in quad-ruplicate.

PART XVI. FEES

FEES

143. (1) Subject to the provisions of this rule, the fees payable in respect of the several matters set out in Appendix C to these Rules shall be the fees prescribed in that Appendix.

* For technical reasons relating to colour reproduction the maps in this book vary from the accepted standard notation.

CHAPTER IX: THE LAW

- (2) The date of the issue of a permit shall be the date inserted on the permit.
- (3) No fees shall be payable in respect of buildings erected by the Government of Palestine or for a church, mosque, synagogue or school.
- (4) The fees in respect of additions to existing buildings shall be payable at the same rates as fees for new buildings.
- (5) In the case of a building, parts of which are used for different purposes, the fee appertaining to the particular class shall be paid for each part.
- (6) On the conversion of a building from one class to another the owner shall pay a fee equivalent to the difference between the fees for the respective classes if the fee in respect of the class to which the building will belong on conversion is in the higher class.
- (7) The fees for a building permit shall be charged on the cubical extent of the building as shown on the plans attached to the permit.
For the purposes of this sub-rule, the cubical extent of a building means the space contained within the external surface of its walls and roof and the upper surface of the floor of the lowest storey: and in the case of a pitched roof, to the underside of the uppermost ceiling.
- (8) A minimum fee of 500 mils shall be paid in respect of any permit required under the Ordinance or these Rules.

PAYMENT OF FEES TO LOCAL COMMISSION

144.—(1) The fees payable in respect of the several matters set out in Appendix C to these Rules shall be paid to the Local Commission.

- (2) (a) Where the Local Commission is a municipal council the fees shall be paid into the municipal fund ;
- (b) Where the Local Commission is the Council of a local council, the fees shall be paid into the local council fund ;
- (c) Where the Local Commission is neither a municipal council nor the Council of a local council, the fees shall be paid into the general revenue of Palestine :

Provided that the District Commissioner may direct that the fees shall be credited, either in whole or in part, to the fund of a local council or village council if he is satisfied that the council of such local or village council render assistance in the supervision and control of buildings within the area of their jurisdiction.

PART XVII. TESTING OF MATERIALS

145. It shall be competent for the Local Commission to require the testing of materials used in any building within their areas to insure the safety of the public. For this purpose the Local Commission may require owners of buildings to submit samples of materials to any Association which in their opinion is competent to deal with such matters.

146. All materials so tested must comply with a minimum standard of strength and the building owners shall take all precautions to ascertain that the materials fulfil the requirements laid down by the engineer.

147. The Local Commission may, with the approval of the District Commission, impose fees to cover the cost of these tests.

APPENDICES

APPENDIX A *Rule 71(2)*

THICKNESS OF WALLS FOR DOMESTIC BUILDINGS NOT CONSTRUCTED WITH REINFORCED CONCRETE.

	<i>Where wall is nine metres or less in length</i>	<i>Where wall is more than nine metres but not more than thirteen metres in length</i>	<i>Where wall is more than thirteen metres in length</i>
Topmost storey	22 centimetres, if height of storey is not more than 3.50 metres. 33 centimetres, if height of storey exceeds 3.50 metres.		
Storey next below topmost	33 centimetres	33 centimetres	33 centimetres
Second storey below topmost	33 centimetres	45 centimetres	45 centimetres
Third storey below topmost	45 centimetres	45 centimetres	55 centimetres
Fourth storey below topmost	55 centimetres	55 centimetres	65 centimetres

APPENDIX B *Rule 71(3)*

THICKNESS OF WALLS FOR BUILDINGS, OTHER THAN DOMESTIC BUILDINGS, NOT CONSTRUCTED WITH REINFORCED CONCRETE.

	<i>Where wall is nine metres or less in length</i>	<i>Where wall is more than nine metres but not more than thirteen metres in length</i>	<i>Where wall is more than thirteen metres in length</i>
Topmost storey	22 cms., if height of storey is not more than 3.50 m., 33 cms., if the height of storey is more than 3.50 m.	33 centimetres	33 centimetres
Storey next below topmost	33 centimetres	45 centimetres	45 centimetres
Second storey below topmost	33 centimetres	45 centimetres	55 centimetres
Third storey below topmost	45 centimetres	55 centimetres	65 centimetres
Fourth storey below topmost	55 centimetres	55 centimetres	65 centimetres

*APPENDIX C *Rule 143(1)*

PART I.—NEW BUILDINGS.

		<i>In a regional planning area</i>	<i>In other town planning areas</i>
Item 1 (a)	Buildings of religious, charitable or educational institutions used exclusively for religious, charitable or educational purposes respectively, public baths, public wash houses, hostels, community buildings (other than dwelling houses), public museums and galleries, gymnasia and clubs, and dwelling houses in housing schemes for the working classes having a cubical extent of not more than 300 cubic metres— ** (i) where no cement is used above the level of the ground floor in the construction of the building, (ii) where cement is used above the level of the ground floor in the construction of the building.	2 mils per cubic metre.	—
Item 1 (b)	Agricultural buildings, cowsheds, stables and stores.	5 mils per cubic metre.	10 mils per cubic metre.
Item 2	Buildings used or constructed for human habitation, other than dwelling houses in housing schemes for the working classes, having a cubical extent of not more than 300 cubic metres— ** (i) where no cement is used above the level of the ground floor in the construction of the building, (ii) where cement is used above the level of the ground floor in the construction of the building.	4 mils per cubic metre. 10 mils per cubic metre.	— 20 mils per cubic metre.
Item 3	Industrial buildings, warehouses, factories and workshops.	25 mils per cubic metre.	30 mils per cubic metre.
Item 4	Shops, retail and wholesale, cafes, restaurants, closed markets, offices and garages other than garages used in connection with a building used for habitation.	30 mils per cubic metre.	40 mils per cubic metre.
Item 5	Hotels, theatres, cinemas and concert halls and places of amusement other than clubs.	60 mils per cubic metre.	60 mils per cubic metre.

PART II.—OTHER WORKS.

Item 1	Construction of internal walls.	50 mils per metre run of wall.	50 mils per metre run of wall.
Item 2	Making or enlarging an opening in an internal, external or constructional wall of an existing building.	—	250 mils for each opening.
Item 3	Any work affecting an existing party or external wall, floor, roof, or foundation of an existing building.	—	One pound.
Item 4	Installation of a bath, water closet, cesspit, percolating pit, sink or wash basin in an existing building.	—	500 mils for each installation.

* The amounts proposed under this section for fees are slightly in excess of those charged in most town planning areas at the present time. There are 1,000 mils in one Palestine pound.

** To cover certain village areas where lime mortar or earth is used instead of cement.

APPENDIX (CONTINUED)

		<i>In a regional planning area.</i>	<i>In a planning area other than a regional planning area</i>
Item 5	Construction of boundary walls or fences to plots used for residential, commercial or industrial purposes.	5 mils per metre run of wall.	10 mils per metre run of wall.
Item 6	Construction of a water tower or cistern.	2 mils per cubic metre.	5 mils per cubic metre.
Item 7	Drilling or sinking a well.	—	One pound.
Item 8	Construction of oriels and balconies situated over the public way, for every square metre of oriel or balcony situated over the public way.	—	One pound.
Item 9	Any other work not elsewhere specified for which a permit is required.	500 mils.	500 mils.

PART III. APPROVAL OF SCHEMES

Item 1 (a)	Where a scheme provides for parcellation into building plots for dwelling houses, other than dwelling houses for the working classes having a cubical extent of not more than 300 cubic metres,—		
	(i) if the scheme does not contain more than 50 plots,—	300 mils per plot.	500 mils per plot.
	(ii) if the scheme contains more than 50 plots then on the excess,—	150 mils per plot.	250 mils per plot.
Item 1 (b)	Where a scheme provides for parcellation into building plots for dwelling houses for the working classes having a cubical extent of not more than 300 cubic metres,—		
	(i) if the scheme does not contain more than 50 plots,—	150 mils per plot.	300 mils per plot.
	(ii) if the scheme contains more than 50 plots, then on the excess,—	75 mils per plot.	150 mils per plot.
Item 1 (c)	Where a scheme provides for parcellation into plots for commercial or industrial buildings.	One pound per plot.	Five pounds per plot.
Item 2	Where a scheme provides only for the construction and laying out of roads, for every 100 metres of road or fraction thereof.	500 mils.	One pound per plot.
Item 3	Where a scheme provides for the laying out of an area without parcellation into specific plots.	50 mils per metric dunum.	One pound per metric dunum.

PART IV. MISCELLANEOUS

Item 1	Indication by the Local Commission on the plan of any property of the roads and alignments prescribed by an authorised scheme.	One pound	Five pounds
Item 2	Certificate by the Local Commission on a sub-division plan issued under section 40 (1).	500 mils.	One pound.
Item 3	Copy of an authorised scheme or the plan accompanying an authorised scheme.	As fixed by Local Commission.	As fixed by Local Commission.
Item 4	Copy of a permit issued under the Ordinance or these Rules.	250 mils.	250 mils.

* SECOND SCHEDULE (Section 8(3))

<i>Area</i>	<i>Order</i>
Acre town planning area	Order No. 46 of 1936.
Afuleh town planning area	Order dated 1.5.26.
Bat Yam town planning area	Order No. 22 of 1938.
Beersheba town planning area	Order dated 4.4.22.
Beisan town planning area	Order dated 24.2.24.
Beit Jala town planning area	Order No. 47 of 1943.
Benei Beraq town planning area	Order No. 14 of 1944.
Bethlehem town planning area	Order No. 46 of 1943.
Birch town planning area	Order No. 47 of 1936.
Emeq Hephher town planning area	Order No. 42 of 1943.
Faluja town planning area	Order No. 69 of 1944.
Galilee District Regional Planning Area	Order dated 30.8.41.
Gaza town planning area	Order dated 30.5.23.
Gaza District Regional Planning Area	Order dated 30.8.41.
Hadera town planning area	Order No. 68 of 1937.
Haifa town planning area	Order No. 11 of 1934.
Haifa District Regional Planning Area	Order dated 30.8.41.
Hebron town planning area	Order No. 49 of 1936.
Herzliya town planning area	Order No. 30 of 1940.
Jaffa town planning area	Order No. 6 of 1944.
Jenin town planning area	Order No. 118 of 1940.
Jericho town planning area	Order No. 31 of 1937.
Jerusalem town planning area	Order dated 15.10.29.
Jerusalem District Regional Planning Area	Order dated 30.8.41.
Kefar Atta town planning area	Order No. 51 of 1943.
Kefar Sava town planning area	Order No. 69 of 1942.
Khan Yunis town planning area	Order No. 25 of 1942.
Lydda town planning area	Order No. 203 of 1940.
Lydda District Regional Planning Area	Order dated 30.8.41.
Majdal town planning area	Order No. 150 of 1939.
Nablus town planning area	Order dated 7.9.21.
Nahariya town planning area	Order No. 21 of 1941.
Natanya town planning area	Order No. 51 of 1941.
Nazareth town planning area	Order No. 59 of 1938.
Petah Tiqva town planning area	Order No. 4 of 1944.
Ramallah town planning area	Order No. 48 of 1937.
Ramat Gan town planning area	Order No. 7 of 1944.
Ramle town planning area	Order No. 200 of 1940.
Rehovot town planning area	Order No. 76 of 1942.
Rishon le Zion town planning area	Order No. 77 of 1942.
Safad town planning area	Order No. 86 of 1946.
Samaria District Regional Planning Area	Order dated 30.8.41.
Shafa 'Amr town planning area	Order No. 48 of 1943.
Tel Aviv town planning area	Order No. 65 of 1943.
Tiberias town planning area	Order No. 37 of 1937.
Tulkarm town planning area	Order No. 5 of 1945.

* A list of the town planning areas already declared is set out in this Schedule for ease of reference.

On the 1st April, 1945, the Department of Town Planning, which until then formed part of the Attorney General's Department, became a separate department, and its personnel and scope of activities are being increased so that it will be able adequately to cope with a large increase in planning and building activity, which is expected as soon as the present restrictions are removed.

APPENDIX I

JERUSALEM OUTLINE TOWN PLANNING SCHEME (MODIFICATION) 1944

PART I. GENERAL

CITATION AND APPLICATION

This scheme may be cited as the Jerusalem Outline Town Planning Scheme (Modification), 1944, and shall apply to the Jerusalem Town Planning Area as declared by the High Commissioner by an order published in the Gazette No. 246 of the 1st of November, 1929.

PLAN* OF THE SCHEME

The plan of the scheme, hereinafter referred to as "the plan," is the plan attached to this scheme, and it shall form an integral part of the scheme in respect of all the matters contained in the scheme and in the plan.

RELATION TO PREVIOUSLY APPROVED OUTLINE SCHEME

This scheme modifies and supersedes the Jerusalem Outline Town Planning Scheme as approved by the High Commissioner by an order published in the Gazette No. 251 of the 16th of January, 1930, and the subsequent amendments and modifications thereof, and shall be read in lieu thereof.

RELATION TO DETAILED AND PARCEL- LATION SCHEMES IN FORCE

Detailed schemes and parcellation schemes put into force before the coming into force of this scheme, shall remain in force only in so far as their provisions are not in conflict with the provisions of this scheme, save that the provisions of this scheme as regards minimum curtilage shall not apply to plots to which the said parcellation schemes apply.

RELATION TO BY-LAWS

In the event of any conflict between the provisions of this scheme and the provisions of any by-laws made under the Ordinance, the provisions of this scheme shall be deemed to override the respective conflicting provisions of the said by-laws.

* For greater clarification the scheme has been illustrated in this book by three plans: roads, zoning and open spaces.

PART II. INTERPRETATION OF TERMS

In this scheme, unless the context otherwise requires :—

"Apartment" means a set of living and service rooms, which is self-contained and served by a separate entrance and, in the opinion of the Local Commission, is adequate for the use of any one family or a single person ;

"Approved finished level" in relation to the ground of a plot, means the finished level of the ground as shown on the plan attached to, and forming part of, a building permit issued in respect of such plot ;

"Building" has the same meaning as in the Ordinance ;

"Building line" means a line in relation to any road or proposed road beyond which no house may project ;

"By-laws" means any by-laws made under the Ordinance ;

"Cellar" means the space under the ground floor or lower ground of a house, which is not more than 2.5 metres in height and no part of which lies more than 1 metre above the approved finished level of the immediately contiguous ground or the actual finished level of the immediately contiguous ground, whichever is the lower ;

"Certificate of occupancy" means a certificate of occupancy issued by the Local Commission under the Town Planning Permits (Jerusalem District) By-laws, 1937, or any by-laws amending those by-laws or substituted therefor, or under this scheme ;

"Chairman" means the respective Chairman of the District or Local Commission, and includes the Acting Chairman ;

"Commercial Frontage 'A'" means sites of buildings and lands, the use of which is confined to the uses set out in the Schedule of Uses in respect of "Commercial Frontage 'A'" ;

"Construction of road" means the execution of

all or any of the work necessary or incidental to the opening and laying of a road ;

"Corner plot" means a plot at the junction of two or more roads ;

"Curtilage" means the area of land within the boundaries of a plot, and includes the area of land under any building thereon ;

"Detailed scheme" means any detailed scheme which has been or may be put into force under the Ordinance ;

"District Commission" means the Jerusalem District Building and Town Planning Commission constituted under the Ordinance ;

"Dwelling house" means a house built for, and not used for any purpose other than, habitation ;

"First floor" in relation to a house, means that floor which is immediately above the ground floor ;

"Ground floor" in relation to a house means that floor which is not more than 1.75 metres above the mean approved finished level of the ground immediately surrounding the house ;

"Habitation" means the continuous or intermittent use of a building or land, or any part thereof, as a place of abode ;

"Height of house" means the height of a house measured from the approved finished level of the ground to the top of the parapet on the roof, or, where there is no parapet, to the level of the top of the external wall or to the eaves of the roof ;

"House" means any construction enclosing a space by means of a roof or roofs and walls or columns ;

"Local Commission" means the Jerusalem Local Building and Town Planning Commission constituted under the Ordinance ;

"Lower ground floor" in relation to a house, means that floor which is immediately below the ground floor ;

"Municipal Engineer" means the Municipal Engineer of the Municipal Corporation of Jerusalem, or his duly authorised representative ;

"Occupancy" means occupation or possession of, or residence in or on, a building or land for any use whatsoever ;

"Ordinance" means the Town Planning Ordinance, 1921, or the Town Planning Ordinance, 1936, or any Ordinance, amending either of those Ordinances or substituted therefor ;

"Outbuilding" means any house erected on a plot in addition to, and separate from, any houses erected on such plot in accordance with the pro-

visions of paragraph 3 (1) of Section A of Part VI ;

"Owner" in relation to any land or building, means the registered or reputed owner thereof, and, in the event of his absence or of difficulty in establishing his identity or whereabouts, includes the person or persons for the time being receiving the rent or profits from such land or building, or who would receive such rent or profits from such land or building were it leased at a rent and any person paying Municipal rates or Government taxes in respect of such land or building, whether on his own account or as agent or trustee for any other person or persons, and where, after a written request by the Local Commission, the occupier fails to furnish the name and address of the owner, includes such occupier ; it also includes the holder of a building or other permit issued under the Ordinance, in respect of such land or building, and where there is no such holder or where such holder cannot be discovered, includes the architect, builder and any contractor and all persons and their agents actually executing or responsible for the execution of the building or other operation for which a permit was issued or required, but not any workman in the employ of such person or persons ;

"Painting" includes the colour of the paint ;

"Parcellation scheme" means any parcellation scheme which has been or may be put into force under the Ordinance ;

"Permissible area" in relation to a house, means the maximum area upon which the house may be built in accordance with the provisions of this scheme ;

"Plot" means an area of land which has been approved as a building plot in a parcellation scheme, or upon which the erection of a house has been authorised by the Local Commission ;

"Power driven machinery" means any machinery driven by electricity or by any other motive power, but does not include machinery for domestic purposes such as air-conditioning, cooling or heating installations, lifts, refrigerators or electric household appliances ;

"Residence" means a house or part thereof built for, and not used for any purpose other than, habitation ;

"Road" means any highway, street, lane, pathway, alley, stairway, passageway, carriageway, footway, square, place, or bridge, whether private or public, whether a thoroughfare or not, whether existing or proposed in any town planning scheme,

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and includes all berms, channels, ditches, stormwater drains, culverts, sidewalks, traffic islands, road-side trees and hedges, retaining walls, fences, barriers and railings ;

“ Road line ” means the line defining the side limits of a road ;

“ Sanitary improvement ” means any improvement to a building for the purpose of ameliorating its sanitary condition, and includes the erection of new service rooms, and the addition to, or alteration of, existing service rooms ;

“ Second floor ” in relation to a house, means that floor which is immediately above the first floor ;

“ Service room ” means a kitchen, larder, pantry, scullery, bathroom, toilet, store room, laundry room, ironing room, or a room wherein there is installed plant for cooling, heating or air-conditioning, or machinery for working a lift ;

“ Setback ” means the distance from any building to the boundary of the plot upon which the building is erected, or is to be erected, or to the road line of the road on which the plot abuts ;

“ Shop ” means a house or part thereof in which a retail trade is carried on, but does not include a workshop ;

“ Special site ” means a site approved from time to time under this scheme for any of the uses set out in the Schedule of Uses in respect of “ Special Sites ” ;

“ Terrace of houses ” means a row of four or more houses each containing one apartment and separated from each house next to it by a party or external wall ;

“ Water tank ” means any tank, reservoir or other receptacle for the storage of water for domestic supply ;

“ Width of road ” means the distance between road lines measured perpendicularly to the centre line of the road ;

“ Zone ” means an area of land shown on the plan by distinctive colouring, hatching or edging, or a combination thereof, for the purpose of indicating the use to which lands and buildings in such area may be put and the regulations prescribed therefor under this scheme.

PART III. NOTATIONS ON THE PLAN

The following notations employed on the plan have the meanings hereunder respectively assigned to them :—

<i>Notation employed on the plan</i>	<i>Meaning assigned to notation</i>
Areas coloured pale beige	<i>Residential Zone “ A ”</i>
Areas coloured beige	<i>Residential Zone “ B ”</i>
Areas coloured beige and edged grey mauve	<i>Residential Zone “ C ”</i>
Areas coloured grey mauve	<i>Residential Zone “ D ”</i>
Areas coloured grey and edged dark mauve	<i>Residential Zone “ E ”</i>
Areas coloured dark brown	<i>Residential Zone “ F ”</i>
Areas coloured blue	<i>Commercial Zone</i>
Areas coloured purple	<i>Oil Area</i>
Areas coloured dark blue mauve	<i>Industrial Zone</i>
Areas coloured dark grey green	<i>Nature Reserve</i>
Areas coloured dark grey green	<i>Public Open Space and Recreation Ground</i>
Areas coloured green and edged dark green	<i>Private Open Space</i>
Areas coloured yellow	<i>Cemetery</i>
Frontage marked with red line	<i>Commercial Frontage “ A ”</i>
Areas edged and hatched black	<i>Overcrowded and Congested Area</i>
Areas coloured brown purple	<i>Old City and Tur and Silwan Villages</i>
Areas edged by broken black line	<i>Archaeological Zone</i>
Sites coloured white	<i>Road</i>
Red figure inside red circle	<i>Width of Road</i>
Black dot and dash line	<i>Boundary of the Jerusalem Town Planning Area to which this scheme applies.</i>

PART IV. ROADS.

INTERPRETATION

“ Road ” means a road the site of which is shown on the plan, or any additional road provided for by a detailed scheme or a parcellation scheme in accordance with the proviso to paragraph 2 of this Part.

SITES AND WIDTH OF ROADS

The sites of roads and the widths of such roads shall be as shown on the plan :

Provided that additional sites for roads may be provided for by a detailed scheme or a parcellation scheme if, in the opinion of the District Commission this scheme will not be substantially altered thereby.

APPENDIX I

PROHIBITION OF BUILDING AND WORK ON ROADS

No building may be erected and no work may be done upon any land forming the site of a road.

CONSTRUCTION OF ROADS

The Local Commission shall be competent to construct any road and to execute upon the adjoining lands all or any of the works incidental to such construction.

DIVERSION AND STOPPING UP OF EXISTING ROADS

The Local Commission, with the consent of the District Commission, shall have power to divert or stop up any existing road, whether or not it is a road as defined in paragraph 1 of this Part, and to declare all public rights of passage over such road to cease as from the date of diversion or stopping up.

DISPOSAL OF LAND NOT REQUIRED FOR ROAD

The Local Commission shall have power to dispose of any land no longer required for any road, whether or not it is a road as defined in paragraph 1 of this Part, in such manner as they may deem fit.

DELEGATION OF POWER TO CONSTRUCT ROAD

The Local Commission may delegate their powers by permit to any person or persons desirous of constructing or widening any road, provided that such person or persons take over all liabilities and responsibilities which would fall by law on the Local Commission were they responsible for such construction or widening. The Local Commission in delegating their powers by such permit shall impose such conditions as they may deem fit in order to ensure the proper execution of the works.

FENCES, HEDGES, TREES AND OBSTRUCTIONS

(1) The Local Commission shall have power to order the owners of lands abutting on a constructed road to erect on such lands boundary walls or fences, and to prescribe the height, materials and the manner of construction of such walls or fences, the planting or trimming of hedges, trees and shrubs, and the erection or removal of any obstruction to view between the building line and road line.

(2) Any owner on whom an order under this paragraph is served shall, within the period prescribed in such order, erect such wall or fence, or remove such obstruction, and otherwise comply

with the terms of such order within the period prescribed in such order, the Local Commission may cause the works prescribed by such order to be carried out and recover the expenses thereof from such owner.

ENTRY ON LANDS FORMING SITES OF ROADS

The Local Commission shall have power, at any time after this scheme has come into force and after giving one month's notice to the owners, to enter on, and take possession of, any lands forming the sites of roads, or widenings of existing roads, for the purpose of construction.

PART V. RIGHTS OF WAY FOR DRAINAGE

The Local Commission may, with the consent of the District Commission, reserve any land necessary for the passage of stormwater or foul water drainage, and no building shall be erected and no work shall be done on any land so reserved.

PART VI. ZONING USE OF LANDS AND BUILDINGS

USE OF LANDS AND BUILDINGS

No land or building situated in any zone shown on the plan shall be put to any use other than a use set out in the Schedule of Uses in respect of the zone in which it is situated:

Provided that—

- (a) where at the coming into force of this scheme any such land or building is being put to any use other than a use set out in the Schedule of Uses in respect of the Zone in which it is situated, in conformity with any town planning scheme in force immediately prior to the coming into force of this scheme, such land or building may continue to be put to such use until a change in the occupancy or ownership of such land or building takes place;
- (b) it shall be competent for the Local Commission with the consent of the District Commission, to authorise the putting of any such land or building to any use not set out in the Schedule of Uses in such zone, if any, and subject to such conditions, if any, as they may deem appropriate having regard to the character of the neighbourhood in which such land or building is situated, provided for by this scheme;
- (c) a detailed scheme or parcellation scheme may

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provide that any land in a residential zone shall be a private open space, public open space or recreation ground.

BUILDING SITES

No building may be erected on any site other than a plot.

NUMBER OF HOUSES ON A PLOT

(1) One house only may be erected on any plot other than a plot in an Industrial Zone :

Provided that the Local Commission may, with the consent of the District Commission, permit the erection of two or more houses on one plot.

(2) Nothing in this paragraph shall prohibit the erection of an outbuilding permitted under this scheme.

RESTRICTION ON NUMBER OF APARTMENTS

The number of apartments in a dwelling house, save in an apartment house or a house to which a housing scheme applies, shall not exceed the number set out in the Schedule of Uses and the Zoning Table.

APARTMENT HOUSES

(1) The Local Commission may, with the consent of the District Commission, authorise the erection of an apartment house in any of the following zones, namely, Residential Zones "D," "E" and "F" on one plot or on two or more plots, the area or the total area of which, as the case may be, is not less than twice the minimum curtilage set out in the second column of the Zoning Table opposite the respective zone, provided that the design of such apartment house and the number of apartments therein are approved by the Local Commission, with the consent of the District Commission, and such apartment house complies with all other requirements for houses in the zone in which it is to be erected.

(2) No such apartment house or any part thereof shall be used for any purpose other than habitation, save that every such apartment house shall contain service rooms, and may contain garages, for the exclusive use of the residents of the apartment house.

HOUSING SCHEMES

(1) A housing scheme providing for the erection of apartment houses, detached or semi-detached houses, or terraces of houses, or any combination thereof may, with the approval of the Local Commission and with the consent of the District Commission,

be carried out subject to the following conditions:—

- (a) the land to which the scheme applies is a continuous area of land situated in a residential zone other than Residential Zone "A";
- (b) the situation, configuration, size and shape of the land to which the scheme applies are, in the opinion of both the Local Commission and the District Commission, suitable for a housing scheme;
- (c) the scheme provides for not less than 50 apartments;
- (d) the design and lay-out are approved by the Local Commission with the consent of the District Commission;
- (e) the scheme is promoted and carried out by a building or housing association, company or society approved by the Local Commission with the consent of the District Commission.

(2) In approving a housing scheme the Local Commission may, with the consent of the District Commission, and shall, if the District Commission so requires, impose special conditions in regard to density setbacks, height of buildings, number of apartments, quality of materials, tenure of land and buildings, lay-out and upkeep of vacant spaces, and any other matters connected with the scheme for which, in their opinion, provision should be made.

(3) No house to which a housing scheme applies and no part thereof, shall be used for any purpose other than habitation or a service room or garage for the use of the residents of any house or houses to which the scheme applies, save with the approval of the Local Commission with the consent of the District Commission.

RESIDENCES AND HABITATION IN COMMERCIAL AND INDUSTRIAL ZONES

No residence or habitation shall be permitted on the ground floor or first floor of any house in a Commercial Zone or in any part of a house in an Industrial Zone, save with the approval of the Local Commission with the consent of the District Commission.

SHOPS, WORKSHOPS, TRADES AND INDUSTRIES

(1) No shop or workshop may be opened, and no trade or industry may be carried on, save on a site which has been approved for such purpose by the Local Commission with the consent of the District Commission, or has been approved for such purpose in a town planning scheme.

(2) Shops, workshops, trades and industries,

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where permitted, shall be situated or carried on only in houses specially constructed for such purpose.

POWER DRIVEN MACHINERY

(1) Power driven machinery shall not be permitted in Residential Zones 'A' 'B' 'C' 'D' or 'E.'

(2) Power driven machinery, other than power driven machinery installed at the time of the coming into force of this scheme, shall not be permitted in the Old City, Tour Village or Silwan Village.

(3) Power driven machinery totalling not more than 5 horse power for any one business or trade may be permitted in a Residential Zone "F."

(4) Power driven machinery totalling not more than 15 horse power for any one business, trade or industry may be permitted in a Commercial Zone.

(5) No limitation shall be imposed on the horse power of power driven machinery in any Industrial Zone.

PLOTS FALLING WITHIN SEVERAL ZONES

Plots situated in several zones shall be considered as situated in the zone wherein there are the least restrictions, save as regards the front setback, which shall be as prescribed for each of the several zones in which the plot is situated.

SCHEDULE OF USES

I. RESIDENTIAL ZONE "A".

- Use 1.* One dwelling house containing one apartment.
2. Garages for private cars.
3. Playing grounds and recreation grounds and, with the approval of the Local Commission with the consent of the District Commission, buildings on such grounds which add to the amenities thereof.

II. RESIDENTIAL ZONE "B".

- Use 1.* As in Residential Zone "A".
2. One dwelling house containing two apartments.
3. Houses erected in accordance with a housing scheme approved under paragraph 6 of Section A of this Part.
4. Private clubs, social and recreational.
5. Community buildings, provided that the chief activity carried on in such buildings is not carried on with a view to profit.
6. Buildings for public worship.
7. Educational buildings, including art galleries.
8. Gardens, nurseries and nursery greenhouses.
9. Offices of professional men or artists, provided that they reside on the premises, and

the floor area occupied by the residence is not less than the floor area occupied by such offices.

10. Hotels and pensions.

11. Sanatoria, other than sanatoria for insane or feeble minded persons.

12. Shops, provided that their use is a use set out in the Appendix hereto under the heading "Residential Zone 'B'".

III. RESIDENTIAL ZONE "C".

- Use 1.* As in Residential Zone "B".
2. One dwelling house containing three apartments, of which one shall be on the ground floor, one on the first floor and one on the lower ground floor or the second floor.
3. Shops, provided that their use is a use set out in the Appendix hereto under the heading "Residential Zone 'C'".

IV. RESIDENTIAL ZONE "D".

- Use 1.* As in Residential Zone "C".
2. Apartment houses on one or more adjacent plots the erection whereof has been authorised under paragraph 5 of Section A of this Part.

3. Shops, provided that their use is a use set out in the Appendix hereto under the heading "Residential Zone 'D'".

V. RESIDENTIAL ZONE "E".

- Use 1.* As in Residential Zone "D".
2. One dwelling house containing five apartments, of which two shall be on the ground floor, two on the first floor and one on the second floor or lower ground floor.
3. Shops, provided that their use is set out in the Appendix hereto under the heading "Residential Zone 'E'".

VI. RESIDENTIAL ZONE "F".

- Use 1.* As in Residential Zone "E".
2. Shops, workshops and trades, provided that their use is a use set out in the Appendix hereto under the heading "Residential Zone 'F'".

VII. COMMERCIAL ZONE.

- Use 1.* As in Residential Zone "F", provided that no residence or habitation shall be permitted on the ground or first floor of a house, save with the approval of the Local Commission with the consent of the District Commission.

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2. Offices.

3. Shops, workshops, trades and industries, provided that their use is a use set out in the Appendix hereto under the heading "Commercial Zone".

VIII. COMMERCIAL FRONTAGE "A".

Use 1. As in Residential Zone "E".

2. Offices.
3. Shops, provided that their use is a use set out in the Appendix hereto under the heading "Commercial Frontage 'A'".

IX. INDUSTRIAL ZONE.

Use 1. As in Commercial Zone, provided that no residence or habitation shall be permitted in any part of a house save with the approval of the Local Commission with the consent of the District Commission.

2. Shops, workshops, trades and industries, provided that their use is a use set out in the Appendix hereto under the heading "Industrial Zone".

X. OLD CITY AND TUR AND SILWAN VILLAGES.

Use 1. Dwelling houses.

2. Religious buildings and institutions.
3. Charitable institutions.
4. Hospitals and clinics.
5. Markets.
6. Playgrounds and recreational buildings.
7. Educational institutions,
8. Hotels and lodging houses.
9. Shops, workshops, trades and industries, provided that their use is a use set out in the Appendix hereto under the heading "Old City and Tur and Silwan Villages".

XI. SPECIAL SITES.

Use. Any use set out in the Appendix hereto under the heading "Special Sites" may be permitted on any site, provided that such site is approved for

such use by the Local Commission with the consent of the District Commission, who may attach any conditions they may deem fit for preserving the general character of the neighbourhood provided for in this scheme.

XII. NATURE RESERVE.

Use 1. Afforestation, agriculture and horticulture.

2. Buildings incidental to the above, with the approval of the Local Commission with the consent of the District Commission.

XIII. PUBLIC OPEN SPACES AND RECREATION GROUNDS.

Use 1. Public gardens.

2. Sports and recreation grounds.
3. Buildings incidental to the above, with the approval of the Local Commission with the consent of the District Commission.

XIV. PRIVATE OPEN SPACES.

Use 1. Public worship and education.

2. Monasteries and convents.
3. Afforestation and gardening.
4. Sports and recreation.
5. Buildings incidental to the above, or to the uses existing at the time of coming into force of this scheme, with the approval of the Local Commission with the consent of the District Commission.

XV. CEMETERIES.

Use 1. Cemeteries.

2. Crematoria.
3. Monuments.
4. Buildings incidental to the above, with the approval of the Local Commission with the consent of the District Commission.

XVI. OIL AREA.

Bulk oil storage installations and uses incidental thereto.

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I. RESIDENTIAL ZONE "B".

1. Barbers and hairdressers.
2. Boot repair shops.
3. Cafés, restaurants and tea rooms.
4. Flower shops.
5. Pharmacies and druggists.
6. Shops for dairy produce, vegetables, fruit, bread, meat, fish, groceries, confectionery or other articles for human consumption not specified in this part of the Appendix.
7. Soda fountains and ice-cream shops.
8. Stationers, booksellers, libraries and reading rooms.
9. Tobacconists.

II. RESIDENTIAL ZONE "C".

As in Residential Zone "B".

III. RESIDENTIAL ZONE "D".

1. As in Residential Zone "V".
2. Receiving depots for laundry, dry cleaning and dyeing.

IV. RESIDENTIAL ZONE "E".

As in Residential Zone "D".

V. RESIDENTIAL ZONE "F".

1. As in Residential Zone "E".
2. Basket making workshops.
3. Brush and broom making workshops.
4. Coffee grinding shops.
5. Carpenters and cabinet maker workshops.
6. Cycle-shops and cycle repairing workshops.
7. Drapers, dressmakers and outfitters.
8. Fish frying shops.
9. Food cooking shops.
10. Furniture, furnishing and upholstery shops.
11. French polishers workshops.
12. Glaziers and picture frame shops and workshops.

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13. Goldsmith, silversmith and jewellery workshops.
 14. Intoxicating liquor shops.
 15. Ironmongers, building materials and plastics shops and storeyards, but not including timber stores, timber yards and timber sheds.
 16. Laundries, dry-cleaners and dyers.
 17. Lodging houses.
 18. Metal engravers.
 19. Monumental masons.
 20. Native artware shops and workshops.
 21. Public kitchens.
 22. Public ovens.
 23. Photographic studios.
 24. Petroleum, paraffin and mineral oil shops.
 25. Public baths and wash houses.
 26. Shops for the sale of ammunition.
 27. Tripe and guts shops.
 28. Tailors.
- VI. COMMERCIAL FRONTAGE "A".
1. As in Residential Zone "E".
 2. Art, antiquities and carpet shops.
 3. Buffets and bars.
 4. Beauty parlours.
 5. Coffee grinding shops.
 6. Cosmetic shops.
 7. Department stores.
 8. Drapers, dressmakers and outfitters.
 9. Dental and medical supplies shops.
 10. Electrical appliances shops.
 11. Furriers shops.
 12. Furniture, furnishing and upholstery shops.
 13. Fancy goods shops.
 14. Firearms and ammunition shops.
 15. Goldsmith, silversmith and jewellery shops.
 16. Intoxicating liquor shops.
 17. Interior decorators.
 18. Ironmongers and hardware shops.
 19. Knitting wool and silk shops and parlours.
 20. Leatherware shops.
 21. Motor car showrooms.
 22. Native artware workshops.
 23. Office equipment shops.
 24. Opticians.
 25. Offices.
 26. Photographers and photographic dealers.
 27. Radio and musical instruments shops.
 28. Sports goods shops.
 29. Tailors.
 30. Toy shops.
 31. Tourist and travel agencies.
- VII. COMMERCIAL ZONE.
1. As in Residential Zone "F" and Commercial Frontage "A".
 2. Aerated water and non-alcoholic beverage factories.
 3. Bottling vinegars, liquors, spirits and non-alcoholic beverages.
 4. Bakeries.
 5. Bootmakers.
 6. Bonded warehouses.
 7. Confectionery and sweetmeat manufacturers.
 8. Clothing and hat factories.
 9. Cloth weaving workshops.
 10. Cotton beaters.
 11. Coachbuilders, finishers and painting workshops.
 12. Cooper workshops and shops.
 13. Coppersmith shops and workshops.
 14. Cardboard box factories.
 15. Compositors, printers and bookbinders.
 16. Dairy products distributors and manufacturers.
 17. Dental mechanics workshops.
 18. Electrical appliances workshops.
 19. Empty bottles, salvage and sorting depots.
 20. Fruit and vegetable depots.
 21. Fresh and preserved fish wholesalers.
 22. Food and fruit packers.
 23. Flour, corn, grain and cereal mills.
 24. Feather sorting and cleaning establishments.
 25. Grocery depots.
 26. Haulage contractors depots.
 27. Intoxicating liquor depots.
 28. Ice storage and distribution.
 29. Ice cream manufacturers.
 30. Knitted clothing workshops.
 31. Leather shops.
 32. Livestock and pet shops.
 33. Macaroni manufacturers.
 34. Mattress factories and shops.
 35. Motor, engineering and general repair workshop.
 36. Machinery and accessories shops.
 37. Mirror factories.
 38. Paint and varnish shops.
 39. Porcelain, stoneware, earthenware and glassware shops.
 40. Pawnbrokers.
 41. Public garages.
 42. Pathological and bacteriological laboratories.
 43. Premises on which materials containing poison are made or sold, other than pharmacies.
 44. Perfume, scent and toilet requisites manufacturers.
 45. Quilt factories.
 46. Rag and second-hand clothing shops.
 47. Rope and canvas shops.
 48. Straw, cane and rush products workshops.
 49. Second-hand household and personal effects shops.
 50. Tinsmith shops and workshops.
 51. Toy factories.
 52. Tobacco, tobac, cigarette and snuff warehouses.
 53. Typing bureaux.
 54. Wholesale egg distributors.
 55. Wool, hair, jute, cotton and silk shops.
 56. Watch and clock shops and repair workshops.

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57. Warehouses for all the above.
58. Workshops for vulcanising and tyre repairing.
59. Workshops for blacksmiths.

VIII. INDUSTRIAL ZONE.

1. As in a Commercial Zone.
2. Asphalt and bitumen works and factories.
3. Alkali works.
4. Breweries, wine presses, factories for alcohol, vinegar or any fermented or spirituous liquor.
5. Button factories.
6. Boiler maker workshops.
7. Brick, tile and cement products works.
8. Cold storage establishments.
9. Cloth weaving and textile factories.
10. Cement factories.
11. China, porcelain, stoneware, earthenware and glassware factories.
12. Cork and crown stopper factories.
13. Dyeworks.
14. Diamond cutting and polishing factories.
15. Electrical appliances factories.
16. Factories for canning, curing or preserving meat or fish.
17. Factories for canning and preserving vegetables and fruits.
18. Factories for the preparation of sausages and dressed meat.
19. Factories for the preparation and manufacture of patent foods.
20. Factories for the preparation or manufacture of spices, condiments, cooking and baking powders.
21. Factories for the preparation of dried and condensed milk.
22. Factories for the preparation or manufacture of edible oils and fats.
23. Factories for jute, wools, hair, silk, cotton and kindred materials.
24. Founders and casters.
25. Farriers.
26. Glass factories.

27. Hardware factories.
28. Ice factories.
29. Jam factories.
30. Lime slaking.
31. Metal furniture workshops and factories.
32. Mosaic, terrazzo and marble manufacturing and polishing works.
33. Mineral grinding factories and workshops.
34. Manufacturers and packers of chemical and medical products.
35. Match factories and warehouses.
36. Oil mills and warehouses other than for mineral oils.
37. Polish factories.
38. Paper factories.
39. Rug factories.
40. Rope and canvas factories.
41. Sugar refineries and factories.
42. Shoe factories.
43. Stone dressing factories.
44. Starch factories.
45. Soap factories.
46. Sawmills.
47. Tobacco manufacture, sorting and blending.
48. Tallow and candle factories.
49. Tinning and enamelling factories.
50. Varnish, paint, and lacquer factories.
51. Wheelwright workshops.

IX. OLD CITY AND TOUR AND SILWAN VILLAGES.

1. As in Residential Zone "E".
2. Art, antiquities and carpet shops.
3. Bars.
4. Basket making workshops.
5. Brush and broom making workshops.
6. Carpenters and cabinet makers.
7. Food cooking shops.
8. Fancy goods shops.
9. Goldsmiths and silversmiths and jewellery shops and workshops.
10. Ironmongers and hardware shops.

11. Metal engravers workshops.
12. Native artware workshops.
13. Native cloth and fabrics weaving workshops.
14. Public ovens and bakehouses.
15. Public baths.
16. Tinsmiths and metal workers workshops.

X. SPECIAL SITES.

1. Blocks of private garages.
2. Cattle sheds.
3. Cinemas, theatres, concert halls and dance halls.
4. Establishments for slaughtering and plucking poultry.
5. Farms.
6. Fellmongers.
7. Fuel, wood and coal depots.
8. Hospitals and universities, including staff residential quarters, provided they are owned by the institution.
9. Kennels.
10. Knackers.
11. Manufacture and storage of liquid or gas under pressure.
12. Orphanages, baby homes, hotels, asylums and institutions for the infirm or aged.
13. Pigsties and piggeries.
14. Public markets and cattle, sheep and horse markets.
15. Petroleum, paraffin and mineral oil depots and bulk installations.
16. Public car parks and garages.
17. Public exhibition grounds, circuses, fairs and amusement grounds.
18. Public buildings.
19. Stables for draught animals.
20. Slaughter houses.
21. Stone crushing plants (stationary and mobile).
22. Timber stores, timber yards and timber sheds.
23. Waste paper depots.
24. Zoological gardens and exhibitions.

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BUILDING PLOTS, HOUSES AND OUT-BUILDINGS.

MINIMUM CURTILAGE

No house shall be permitted in any of the several zones set out in the first column of the Zoning Table on any plot the curtilage of which is less than that set out in the second column of the Zoning Table opposite the respective zone.

MAXIMUM PERCENTAGE OF HOUSE

(1) No house shall be permitted in any of the several zones set out in the first column of the Zoning Table, save to such a maximum percentage as is set out in the third column of the Zoning Table opposite the respective zone.

(2) In calculating the maximum percentage of houses built in traditional vaulted Arab style, no account shall be taken of any excess in thickness of external walls over 40 centimetres.

LOWER GROUND FLOORS

(1) On sites the slope of which is, in the opinion of the Local Commission, such that the provision of a lower ground floor is possible, a lower ground floor may be built to the maximum area set out in the fourth column of the Zoning Table opposite the respective zone.

(2) Rooms in, and forming part of, the lower ground floor may be used for habitation if they conform with all public health requirements but not otherwise.

CELLARS

(1) Cellars for storage, lift-wells, or for the accommodation of air conditioning or cooling or heating appliances may be built under any part of a house.

(2) No cellar, or any part thereof, may be used for habitation.

SECOND FLOORS

(1) No second floor shall be permitted in any house in a residential zone on a site the slope of which is, in the opinion of the Local Commission, such that the provision of a lower ground floor is possible even if such lower ground floor is not built.

(2) Second floors, when permitted, may be erected in the several zones set out in the first column of the Zoning Table to the maximum area set out in the fourth column of the Zoning Table opposite the respective zone.

(3) A second floor in a house in Residential Zone

"B" shall not be permitted unless access to such floor is only from the first floor apartment.

PITCHED ROOFS

When a pitched roof is erected over any house, the space under such roof may be used for storage only and shall contain the water tanks.

WATER TANKS

Water tanks on the roofs of houses shall not be erected, save in accordance with such requirements as regards siting, materials, design of surrounding walls and covering, as may be imposed or approved by the Local Commission with the consent of the District Commission.

OUTBUILDINGS

(1) No outbuilding shall be permitted in any zone, other than Residential Zone "F," if, in the opinion of the Local Commission, the provision of a lower ground floor is possible.

(2) If, in the opinion of the Local Commission, the provision of a lower ground floor is not possible, an outbuilding may be erected in a rear corner of the plot to an area set out in the fifth column of the Zoning Table opposite the respective zone, provided that half of the area upon which the outbuilding is erected shall be deducted from the area permitted to be built upon in accordance with the maximum percentage set out in the third column of the Zoning Table opposite the respective zone.

(3) In Residential Zone "F," an outbuilding of an area of 7.5 square metres may be built in a rear corner of the plot in addition to the area permitted to be built upon in accordance with the maximum percentage set out in the third column of the Zoning Table opposite the respective zone, provided that it is used only as a washroom for the use of persons dwelling in the house on the plot.

(4) The length of any outbuilding shall not exceed twice its width.

(5) The height of any outbuilding shall not exceed 3 metres.

(6) No windows, doors or other openings shall be made in any outbuildings so as to face any adjacent lands.

(7) Outbuildings when built in Residential Zones "A," "B," "C," "D" or "E" shall provide accommodation for at least one car and, in addition, may provide accommodation for a washroom and storeroom for the use of persons dwelling in the house on the plot, provided that such accommodation does not exceed 7.5 square metres.

DISTANCES BETWEEN BUILDING LINES AND SETBACKS.

DISTANCES FROM CENTRE OF ROAD

No house shall be erected in any of the several zones set out in the first column of the Zoning Table at a distance from the centre of the road on which it abuts less than the distance set out in the eighth column of the Zoning Table opposite the respective zone.

SETBACKS

No house shall be erected in any of the several zones set out in the first column of the Zoning Table, save in accordance with the minimum setbacks set out in the ninth column of the Zoning Table opposite the respective zone :

Provided that—

(a) where any part of a house in a Commercial or Industrial Zone is more than 12 metres distant from the building line, the side setback of that part of the house shall be not less than the required rear setback of the house ; and

(b) where the Local Commission is of the opinion that the size and shape of any plot to which there is applicable a parcellation scheme put into force before the coming into force of this scheme, are such as to justify a relaxation of the front setback of a house on such plot, the Local Commission may grant such relaxation.

IRREGULARLY SHAPED PLOTS

On irregularly shaped plots the minimum side and rear setbacks set out in the ninth column of the Zoning Table may, at the discretion of the Local Commission, be reduced by one quarter.

CORNER PLOTS

On a corner plot abutting on roads of unequal widths the minimum distance from the centre of the abutting road to, and the minimum front setback of, any part of a house on such plot, shall be determined in accordance with paragraphs 1 and 2 of this Section respectively as if each of the said roads were of the width of the narrowest of the said roads.

WALLS OF HOUSES AND BOUNDARY WALLS AT JUNCTION OF ROADS

No wall of a house or boundary wall at the junction of two roads shall project beyond the arc of a circle shown on the plan of any town planning scheme as the road line, and, if no such arc is shown, shall not project beyond an arc tangential to the road

lines, having tangent points not less than 8 metres from the intersection of the two road lines, and such arc shall be the road line.

HEIGHTS OF HOUSES

HEIGHTS OF HOUSES

No house shall be erected in any of the several zones set out in the first column of the Zoning Table to a height greater than the maximum height set out in the sixth column of the Zoning Table opposite the respective zone :

Provided that the District Commission may, on the recommendation of the Local Commission, permit the erection of a house to a greater height than the said maximum in order that the height of the said house may accord with the height of any neighbouring house which exceeds the said maximum height.

HOUSES IN INDUSTRIAL AND COMMERCIAL ZONES

In commercial and industrial Zones, the height of any part of the side or rear of a house which is more than 12 metres distant from the building line, shall not exceed $2\frac{1}{2}$ times the distance of that part of the house from the side or rear boundary of the plot respectively.

DESIGN AND EXTERNAL APPEARANCE OF BUILDINGS

CONTROL OF DESIGN

It shall be competent for the Local Commission to exercise full control over the design of any proposed building in any zone, in all matters pertaining to appearance, choice of materials or manner of construction. In the Old City this control shall be exercised by the Government Town Planner on behalf of the District Commission.

INCOMPLETE BUILDINGS

Any building, whether or not it is built to the full limits permitted by this scheme, shall be constructed and finished in such a manner as to give it an appearance of a completed building and shall be in accordance with the requirements of this scheme or any by-laws in force relating to external appearance of buildings, stone facing of buildings, erection of water tanks, continuous parapets, staircases, balconies and any other matters relating to the external appearance of buildings.

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STONE FACING

The external walls and columns of houses and the face of any wall abutting on a road shall be faced with natural square dressed stone :

Provided that when the external walls of columns of any house are, at the date of the coming into force of this scheme, faced with any material other than natural stone, the District Commission may, on the recommendation of the Local Commission, permit the external walls or columns of any addition

to, or alteration of, such house to be faced with the same material as that with which the said external walls or columns are faced at the date of the coming into force of this scheme.

EXTERNAL STAIRCASES

External staircases to any house in any residential zone may be erected if they are wholly attached to the house and the area occupied by such staircases together with the area occupied by the house does not exceed the permissible area of the house.

ZONING TABLE

(1) Zone as shown on plan	(2) Minimum curtilage in metres	(3) Maximum percentage of plot which may be built upon	(4) Permissible area of lower ground floor or second floor	(5) Outbuilding	(6) Maximum height of house	(7) Maximum number of apartments	(8) Minimum distance in metres from centre of road	(9) Minimum setbacks in metres		
								Front	Side	Rear
Residential Zone 'A'	2,000	10%	50% of area of ground floor built, or permitted, whichever is the less.	No outbuilding where lower ground floor is possible. Where no lower ground floor is possible 50 square metres may be built, provided that half of the area of the outbuilding is deducted from the permissible area of the house.	Not exceeding 2 storeys exclusive of lower ground floor or second floor. No part of the house including lower ground floor or second floor, to exceed 12½ metres.	One	15	10	5	10
Residential Zone 'B'	1,000	20%	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	Two	10	6	5	7
Residential Zone 'C'	1,000	20%	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	Three	10	6	5	7
Residential Zone 'D'	750	25%	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	Three	10	6	4	5
Residential Zone 'E'	750	25%	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	The same as in Residential Zone 'A'.	Five	10	6	4	5
Residential Zone 'F'	500	35%	The same as in Residential Zone 'A'.	7.5 square metres may be built in the rear.	The same as in Residential Zone 'A'.	Five	7½	3	3	5
Commercial Zone	Unrestricted	50% of the combined area of the plot and half the area of that part of the road on which the plot abuts.	A lower ground floor to the full area of the ground floor built and a second floor to the permissible area of the house or the full area of the ground floor built, whichever is the less.	No outbuilding permitted.	3 storeys up to a maximum of 15 metres exclusive of lower ground floor.	Not restricted on any floor above the first floor.	As approved in any Town Planning Scheme.	Nil	2.5 or Nil	5
Industrial Zone	Unrestricted	75%	As in Commercial Zone.	No outbuilding permitted.	The same as in Commercial Zone.	Nil	7½	Nil	3 or Nil	5

1,000 m². = ¼ acre=one dunam.

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SEPARATE ENTRANCE TO GROUND FLOOR APARTMENT

In Residential Zones "B," "C" and "D" the main entrance to the ground floor apartment shall be entirely separate from the entrance to any apartment on any other floor.

SERVICE PIPES AND DOWN SPOUTS

The Local Commission may require that any house shall be so designed that all service pipes and down spouts are grouped together and that all such pipes and spouts shall be placed in external chases and covered by a grille or in such other manner as the Local Commission may approve.

LAY-OUT, LEVELLING AND PLANTING OF SPACE ABOUT HOUSES

The Local Commission require that a design for the lay-out, levelling and planting of the space about any house shall be submitted for the approval of the Local Commission with the application for a permit to erect such house, and the Local Commission may incorporate in the permit a condition that the space about such house shall be laid out, levelled and planted in accordance with the design so approved and such house shall be deemed not to be completed unless and until the space about such house has been so laid out, levelled and planted.

BALCONIES

No balcony may be erected, save in accordance with the following conditions :—

- (a) No balcony shall project more than 50 centimetres over a road.
- (b) No balcony shall project more than 1.5 metres from the face of a house.
- (c) No part of a balcony shall be nearer to the boundaries of a plot than the minimum front, side or rear setback, as the case may be, set out in the ninth column of the Zoning Table opposite the respective zone.
- (d) Balconies on any one floor shall not occupy in the aggregate more than one third of the length of the wall to which they are attached.

CANOPIES OR OTHER PROJECTIONS

Canopies or other projections over doors and windows shall not be built more than 25 centimetres above the opening.

PARAPETS ON FLAT ROOFS

Every flat roof which is accessible by any means

shall be surrounded by a continuous parapet of not less than 90 centimetres in height.

STONE DRESSING, POINTING AND PAINTING

The Local Commission may incorporate in the conditions attached to any permit for any building conditions regarding the dressing of stone, the pointing of walls or the painting of the building.

POLES AND WIRELESS MASTS AND OTHER ERECTIONS ON ROOFS

No pole, wireless mast or other erection of a type which has not been approved by the Local Commission, shall be erected on any roof.

ADDITIONAL PROVISIONS FOR CERTAIN ZONES

ARCHAEOLOGICAL ZONE

No permit for the erection of any building or the execution of any work in the Archaeological Zone shall be granted unless and until the application therefor has been referred by the Local Commission to the Director of Antiquities for him to state which conditions, if any, he requires the Local Commission to attach to the permit.

OLD CITY AND TUR AND SILWAN VILLAGES

The following provisions shall apply in the Old City and in Tur and Silwan Villages :—

(1) The design of every building erected after the coming into force of this scheme and of every addition to, or alteration of, any building, whether such building was erected before, or is erected after, the coming into force of the scheme, shall be subject to the approval of the District Commission, and if the Government Town Planner on behalf of the District Commission prepares a detailed scheme providing for an architectural design for buildings abutting on any street, or part of a street, or any square or place, the design of every building abutting on such street, part of a street, square or place erected after the coming into force of this scheme, and the design of every addition to, or alteration of, any building abutting on such street, part of a street, square or place, whether such building was erected before, or is erected after the coming into force of this scheme, shall be in conformity with such architectural design :

Provided that—

- (a) it shall be competent for the Local Commission to authorise the execution on any building which has fallen into a state of disrepair of any work which is required to restore such building to the state in which it was before it fell into such state of disrepair, so, however, that the height of any building so restored shall not exceed 10 metres, save with the approval of the Local Commission with the consent of the District Commission ;
- (b) it shall be competent for the Municipal Engineer to authorise, to such extent as he deems necessary to remove any danger, the repair or alteration of a building which, in his opinion, is in urgent need of repair or alteration due to its dangerous or unstable condition, and any repair or alteration so authorised may be carried out in accordance with the instructions of the Municipal Engineer.

(2) No building erected after the coming into force of this scheme shall be of a height exceeding twice the width of the public way on which it abuts or 10 metres, whichever is the less, save with the approval of the Local Commission with the consent of the District Commission.

(3) All roofs of houses erected after the coming into force of this scheme shall be flat or domed, and covered with stone slabs.

(4) No corrugated or sheet iron shall be used externally on any part of a building other than a door, shutter or similar fixture.

CEMETERIES

No land shall be used as a cemetery unless and until its lay-out is approved by the Director of Medical Services and by the Local Commission with the consent of the district Commission.

OVERCROWDED AND CONGESTED AREAS

The following provisions shall apply in overcrowded and congested areas :—

(1) No land or building shall be put to any use other than a use set out in the Schedule of Uses in respect of the zone in which the area is situated.

(2) No house may be erected, save in accordance with a detailed scheme.

(3) No addition to, or alteration of, any building erected before the coming into force of this scheme may be made, unless, in the opinion of the Local Commission, the sole purpose of making such addition or alteration is to effect a sanitary improvement.

PART VII. SPECIAL POWERS

PREVENTION OF NUISANCE

The Local Commission shall have power to attach to any permit for any work or use of any land or building such conditions as they consider necessary to prevent any nuisance arising from noise, vibration, faulty ventilation, faulty lighting, disposal of trade waste or any other nuisance which may be occasioned to the neighbourhood by reason of such work or use.

RELAXATIONS

The Local Commission shall have power to grant a relaxation of any restriction imposed by this scheme on the use of any land or building or any other restriction contained in this scheme, after considering the effects of such relaxation on the adjoining properties :

Provided that no such relaxation shall be granted by the Local Commission without the approval of the District Commission for any matter for which the approval of the district Commission is required.

RENEWAL OF BUILDING PERMITS

The Local Commission shall have power to renew any building permit issued before the coming into force of this scheme with such changes in the permit as are necessary in order that its provisions may comply with the provisions of this scheme.

CERTIFICATE OF OCCUPANCY

(1) On the completion of a house for which a permit has been granted, the Local Commission shall issue a certificate of occupancy in respect of such house :

Provided that the Local Commission may refuse to issue such a certificate of occupancy if the house is not in conformity with the building permit or any of the requirements of this scheme or any by-laws.

(2) No house shall be occupied or used unless and until a certificate of occupancy in respect thereof has been obtained from the Local Commission.

PRESERVATION OF VIEW

Notwithstanding any provision in this scheme relating to height of buildings, the Local Commission shall have power further to restrict such height for the purpose of preserving an unobstructed field of vision from any road or public open space or recreation ground or to any object of historical or archaeological interest or to a monument :

Provided that when the height of a building has been so further restricted the Local Commission

may permit a larger percentage of plot to be built upon than that permitted under this scheme, if the total area of the building does not exceed the total floor area permissible under this scheme and all the building lines and setbacks prescribed in this scheme are observed.

DELEGATION OF POWERS

Subject to the provisions of the Ordinance, the District Commission and the Local Commission may delegate any of the powers conferred upon them by this scheme to the Chairman of the respective Commission or to the Municipal Engineer, or to both, or to a committee, for the purpose of carrying out the objects of this scheme.

APPEALS

Any person aggrieved by the refusal of the Local Commission to grant their approval or make a recommendation for any matter for which their approval or recommendation is required, may, with two months of notification to him of such refusal, appeal to the District Commission and the decision of the District Commission on such appeal shall be final.

PART VIII. SERVICE OF DOCUMENTS

MANNER OF SERVICE

Any notice, order or other document required or authorised to be served under this scheme shall be considered to have been duly served, if it has been delivered at the last known address of the person to whom it is addressed, or where addressed to the owner or occupier of any land or building, if such notice, order or other document, or a true copy thereof, has been delivered to some person on the land or in the building, or, if there is no person on the land or in the building who can be served, if it

has been fixed on some conspicuous part of the land or building. It may also be served by post by a prepaid registered letter, and, if served by post, shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service it shall be sufficient to prove that the notice order or other document was properly addressed and mailed by registered mail. Any notice, order or other document required by this scheme to be given to the owner or occupier of any land or building may be addressed by the description of the "Owner" or "Occupier" of the land or building in respect of which the notice, order or other document is given, without further name or description.

PUBLICATION IN THE PRESS

Where the name or address of an owner cannot be ascertained without doubt, a notice may be published in one of the newspapers circulating in Jerusalem, requiring any person who claims any interest in the land or building to which the notice refers to comply with the terms of the notice, and such publication in the press shall be deemed to be valid and adequate service of the notice.

PART IX. COST OF SCHEME

RECOVERY OF COSTS

The Local Commission shall have power to incur such costs as may be necessary for the preparation of any detailed scheme or parcellation scheme in furtherance of, or to give effect to, this scheme, and if they incur such costs the Local Commission shall have power to recover them from the owners of the lands to which such detailed scheme or parcellation scheme applies in proportion to the areas of the lands to which such scheme applies respectively owned by such owners.

APPENDIX II

COMPOSITION OF JERUSALEM PLANNING COMMISSIONS

THE JERUSALEM DISTRICT BUILDING AND TOWN PLANNING COMMISSION

THE CHAIRMAN

The powers of the former Central Town Planning Commission in 1936 devolved upon the various District Town Planning Commissions. As explained in the chapter relating to the law of town planning it was in that year that planning was decentralised and the new Ordinance introduced. The first steps to amend the existing outline scheme of 1930 for Jerusalem were taken under the Chairmanship of the late Mr. Morris Bailey, O.B.E., the District Commissioner, Jerusalem. He was succeeded by Mr. J. H. Pollock, C.M.G., O.B.E., who has been Chairman of the Jerusalem District Building and Town Planning Commission from 1944 onwards.

THE GOVERNMENT TOWN PLANNER

The author has been the planning adviser to Government and a member of the Commission from 1936 to the present time. While on leave in the United Kingdom Mr. A. St. B. Harrison in 1937 and Mr. P. H. Winter in 1939 acted for him for a period of approximately five months. In 1947 Mr. R. L. Hume, the Assistant Town Planner, undertook these duties from February to October.

THE REPRESENTATIVE OF THE ATTORNEY GENERAL

The third member of the Commission is the representative of the Attorney General, who assists in elucidating legal problems which constantly arise in connection with land ownership and similar matters. Mr. R. Windham occupied this position during the early period and Mr. H. Baker from 1943 onwards.

THE REPRESENTATIVE OF THE DIRECTOR OF MEDICAL SERVICES

For the majority of meetings from 1944 onwards this officer has been Dr. M. Shehadeh. On several occasions previous to 1944 Dr. D. Murray, Dr. J. H. Pottinger and Dr. W. E. Phillips, M.C., represented the Director of Medical Services on the Commission.

THE REPRESENTATIVE OF THE DIRECTOR OF PUBLIC WORKS

On the engineering side the representative of the Director of Public Works prior to 1944 was the late Mr. C. T. Caryer, O.B.E. He was succeeded by Mr. A. P. H. McLaughlin. Subsequently this position was filled by Mr. N. G. Halaby. In 1947 with the departure of Mr. Halaby on study leave in the U.K. Mr. N. Y. Bulos has represented the Director of Public Works.

THE JERUSALEM LOCAL BUILDING AND TOWN PLANNING COMMISSION

Under the Ordinance of 1936 the Municipal Council sat as the Jerusalem Local Building and Town Planning Commission. In 1944 the Chairman was the late Mustapha Bey el Khalidi, former Mayor of Jerusalem. He was assisted by Mr. Daniel Auster, O.B.E., and the late Mr. Yacoub Farradj, Deputy Mayor, during that year. The members of the Commission were Messrs. H. Salomon, A. Elmaleh, S. Dajani, S. Eden, D. Abulafia, A. Jaber, I. Ben Zvi, A. Hanania and N. Hussein.

The meetings of this Commission were regularly attended by the Town Clerk, Mr. R. D. Badcock,

M.C., O.B.E., and the City Engineer, Mr. A. K. Park, M.B.E.

In 1945 following the death of Mustapha Bey el Khalidi, Mr. D. Auster, O.B.E., was appointed Acting Mayor and Chairman of the Commission. Later in that year (due to reasons outside the scope of this book) the Municipal Council was abolished and in its place a Municipal Commission was appointed by His Excellency the High Commissioner. This Commission which was under the chairmanship of Mr. G. H. Webster, C.M.G., O.B.E., with Dr. J. Macqueen and Messrs. R. F. B. Crook, J. A.

APPENDIX II

Hilton and H. F. H. Davies as members continued to function as a Local Planning Authority until March of 1946 when Messrs. R. D. Badcock, M.C., O.B.E., and R. S. Nicklin replaced Messrs. Crook and Davies as members. The composition of the Commission was increased towards the second half of 1946 by the inclusion of Jamal Bey Tuqan, M.B.E., Mr. A. Bergman, Messrs. N. E. Crewe and R. F. B. Crook as members. Dr. R. H. Bland subsequently became a member on the retirement of Dr. J. Macqueen. From January to June, 1947, the Commission was under the Chairmanship of Mr. J. A.

Hilton with Messrs. Crook, Silver, Crewe and Dr. R. H. Bland and Jamal Bey Tuqan, M.B.E., as members.

In July Mr. R. M. Graves, C.B.E., replaced Mr. Hilton as Chairman and membership of the Commission was increased by the inclusion of Messrs. A. Bergman, S. E. Mogford and Dr. J. A. Maclean.

During all these years the development of Jerusalem (as regards buildings, roads, and main services) was under the direct control of the City Engineer, Mr. A. K. Park, M.B.E., and his staff of assistants.

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